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# THE UNITED NATIONS

*Revised from the Oliver Wendell Holmes Lectures, October, 1947.*





# THE UNITED NATIONS

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# FOREWORD

## TO THE

### AUSTRALIAN EDITION

THE Oliver Wendell Holmes Lectures contained in this volume were delivered in the latter part of October, 1947, at Harvard University. They surveyed the formation of the United Nations, examined the actual operation of the Organization from San Francisco onwards, and tried to point out how the United Nations could be made to work. The second annual session of the General Assembly was still in the committee stages, so that these Lectures dealt with some of the great issues then under debate. Footnotes have been added to bring the text up to date on these matters.

We are now able to assess the position of the United Nations in the light of the whole of the work of the second annual session of the General Assembly. At the time when the Lectures were delivered, the tension and bitterness which had marked the opening days of the Session were still in evidence. There was no certainty that the Assembly could even complete its business without an open break between the Eastern and Western groups. The whole atmosphere of the

Assembly, however, improved considerably when the Political and Security Committee adopted the joint Australian-French-Canadian resolution condemning war propaganda. Differing as they did in almost every other item on the agenda, the United Nations were truly united in their unanimous vote against war-mongers.

After this significant resolution was carried, the atmosphere cleared to such an extent that there was a general resurgence of hope, the whole tempo of the proceedings quickened and many decisions were reached. Examples of such decisions were the establishment of the Interim Committee of the General Assembly and of the Commissions for the Balkans and Korea. The plan for the government of Palestine, with separate Jewish and Arab states, an overall economic union and a special United Nations trust system for Jerusalem and Bethlehem, was adopted after a thorough investigation of all the relevant facts and circumstances. This was further evidence that the Assembly was willing and capable of dealing with one of the most difficult and urgent problems affecting international relations.

Differences in the Security Council between the great powers have frequently resulted in a stalemate because of an overuse of the veto. But during the second session of the General Assembly, it was clearly

established that the Assembly's powers and functions can be utilized successfully in cases where the Security Council has failed to take positive action.

The general trend of international affairs since the period during which the Lectures were delivered, has shown the validity of the conclusions which I then ventured to make.

This Australian edition of the Lectures stands as an appraisal of the United Nations as the Organisation stands in the first months of 1948.

The United Nations is still the main, and perhaps the only, hope of the peoples of the world for the preservation of international peace. We must recognize this fact, we must work to perfect this embodiment of man's hope for peace and co-operation. Above all, we must work openly to encourage comradeship amongst all men and good-will in all the nations.

H. V. EVATT.

Canberra,

March, 1948.



## PREFACE

WHEN Mr. Justice Oliver Wendell Holmes, Jr., a graduate of Harvard Law School in the class of 1866, died in 1935, he left a legacy to the Law School. The gift was unrestricted, but the Harvard Corporation, on recommendation of the Faculty, voted that it should be used to establish the Holmes Lectureship, with lectures to be given not oftener than once in three years.

The Holmes Lecturer for 1947-48 was Dr. Herbert Vere Evatt, and this book is a revision for the reading public of his lectures delivered in Cambridge on October 17, 23, and 24, 1947. Dr. Evatt is an Australian, from the state of New South Wales, and a graduate of Sydney University in that state. In 1930, at the age of thirty-six he became a justice of the Federal High Court of Australia. While he was on the High Court he was often far from orthodox. The reports occasionally received here about him were remarkably like the views which were sometimes expressed by conservative members of our own bar with respect to Mr. Justice Holmes. It was thus particularly appropriate that Dr. Evatt should appear as Holmes Lecturer.

With the coming of the war, Dr. Evatt left the Court and became a member of the Commonwealth War



Cabinet. Since 1941, he has been Attorney-General and Minister for External Affairs of Australia, and more recently he has held the position of Deputy Prime Minister as well. During the war he ably served Australia. Since the war he has been ably serving the world. There is no one who has played a more intimate part in the foundation and development of the United Nations. There is no one who has fought harder for its success. His lectures and this book on the origin, the development, and the future of the United Nations carry almost unique authority. He comes to us from Australia, but he speaks as a citizen of the world.

ERWIN N. GRISWOLD,  
*Dean of Harvard Law School*

# CONTENTS

	PAGE
<b>I</b> <i>The Formation of the United Nations</i> .....	1
<b>II</b> <i>The Working of the United Nations</i> .....	45
<b>III</b> <i>The Future of the United Nations</i> .....	97



**THE FORMATION**  
*of*  
**THE UNITED NATIONS**



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# I

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## MILITARY AND STRATEGIC BACKGROUND

THE United Nations Conference on International Organization opened at San Francisco on 25 April 1945, and closed on 26 June 1945. It began before the fighting against Germany ended on 8 May. It finished before Japan's surrender on 15 August 1945.

Therefore, in the work of the San Francisco Conference, a primary factor was that the Charter was negotiated when the Allied Powers were still preoccupied with the supreme task of defeating the enemy in the shortest possible time. In particular, concerted military action by such major powers as the United States, the Soviet Union, and Britain was essential. Accordingly, any Charter proposals which could even be represented as endangering Great Power solidarity or unanimity were very difficult of acceptance.

This military and strategic background had a very important effect upon proposals put forward at the

## THE UNITED NATIONS

preliminary major power conference on world organization held at Dumbarton Oaks. It also coloured many decisions taken subsequently at San Francisco. Indeed, it is somewhat surprising that the effect was not even greater; for at San Francisco, largely as a result of constructive criticism by the Middle and Smaller Nations, the Conference revised very considerably the Dumbarton Oaks text, and the undoubted effect of the revisions was to liberalise and democratise the Dumbarton Oaks text in many important respects.

### ESTABLISHMENT OF UNITED NATIONS OUTSIDE PEACE SETTLEMENTS

Why was the San Francisco Conference on World Organization summoned before the end of the fighting in World War II? And why was the Charter of the United Nations separated out from the Peace Settlements necessary to liquidate World War II? The procedure at the end of World War I was different, because the Covenant of the League of Nations was deliberately written into the Peace Settlements of Versailles in 1919, after all the fighting was over.

President Roosevelt informed me, as early as 1942, when I was representing Australia on the Pacific War Council at Washington, that it was his intention to avoid any attempt to combine treaties of peace with

## FORMATION

the new world organization with which he intended the League of Nations to be replaced. It is well known that one of President Wilson's greatest difficulties with the United States Senate in 1919 derived from the integration of the Covenant of the League with the peace settlement proper.

On 30 October 1943, the Governments of the United States, United Kingdom, Soviet Union, and China issued a declaration at Moscow referring to "the necessity of ensuring a rapid and orderly transition from war to peace and of establishing and maintaining international peace and security with the least diversion of the world's human and economic resources for armaments." They also declared that their united action "will be continued for the organization and maintenance of peace and security." They drew attention to "the necessity of establishing at the earliest practicable date a general international organization, based on the principle of the sovereign equality of all peace-loving states."

The representatives of these four powers met at Dumbarton Oaks and on October 7, 1944, made public the Dumbarton Oaks plan which, together with the special formula agreed upon at Yalta regarding the veto system of voting in the Security Council, was taken by the San Francisco Conference as its basic draft.



## THE UNITED NATIONS

This draft drawn up by four Great Powers was essentially a "great power" production. It dealt primarily with the problem of security in the military sense. It bears evidence of a design to suppress wars or incipient wars by organized force, rather than of a design to prevent wars by improving those economic and social injustices which are likely to cause war. Dumbarton Oaks was a draft by Powers accustomed to protect their vital interests through reliance on their own military strength.

### REASONS FOR CREATION OF UNITED NATIONS ORGANIZATION BEFORE THE END OF THE WAR

However, the remarkable fact is that any draft at all was drawn up by the Great Powers while the war was still raging. What were the reasons?

In the first place, statements of basic objectives were an essential element in securing the widest popular backing for the war effort. Accordingly, publication of the Atlantic Charter on August 14, 1941, was followed by the Declaration by the United Nations at Washington, January 1, 1942, which incorporated and approved the Atlantic Charter on a wide basis. I have already referred to relevant portions of the Moscow Declaration of October 30, 1943. The report of the Yalta Conference dated February 11, 1945, stated that the signatories

## FORMATION

believed the earliest possible establishment of a general international organization was essential. At Yalta, the final decision was taken to call a conference of the United Nations on April 25, 1945 at San Francisco.

It is clear that President Roosevelt and Mr. Churchill realized at an early stage the importance of giving the peoples of the world some real hope of avoiding war in the future, after securing victory in World War II. But I believe they had a second reason as well for calling an early United Nations Conference. Did they not have a presentiment that the wartime unity with the Soviet Union, won so slowly and maintained with so much difficulty, might not prove so strong in the peace? Did they not determine to do their utmost to lay the foundations of an international peace organization while the ties of war alliance still were strong, hoping that if an agreement was reached in time of war it might be maintained in time of peace; whereas to reach an agreement after the end of the war might be an almost impossible task?

Then there was a third reason. President Roosevelt, remembering the experience of President Wilson, felt it wise to secure the consent of the Congress of the United States to the establishment of a world organization before those domestic political differences, which tend to return so rapidly to all democratic countries after the close of a war, made agreement on such a

## THE UNITED NATIONS

controversial subject less sure. In the event, of course, Congress approved the United Nations Charter by an overwhelming majority—and I should like to pay tribute to the contribution made to the cause of world peace both at San Francisco and later in Congress itself by members of both Congressional parties, which approached this question along nonpartisan lines.

In my own opinion, the decision to call the San Francisco Conference before the end of the war was wise. We must recognize, however, that this decision had important effects upon the text of the Dumbarton Oaks proposals, and, in less but significant degree, upon the Charter itself.

### DUMBARTON OAKS PROPOSALS

#### *Omission of Chapters on Trusteeship*

Under the Dumbarton Oaks draft, the United Nations organization was to have four principal organs, viz., a General Assembly, a Security Council, an International Court of Justice, and a Secretariat. The most notable omission from this framework is the Trusteeship Council established at San Francisco. This omission is extraordinary in view of the fact that the Covenant of the League of Nations contained a special article (~~Article 22~~) ~~establishing~~ the Mandate system. That Article was designed to ensure the well-being and

## FORMATION

development of inhabitants of ex-enemy colonies and territories not yet able to "stand by themselves under the strenuous conditions of the modern world." It provided for the establishment of a permanent commission to receive and examine annual reports of the Mandatories and to advise the Council on matters relating to the observance of the Mandates. The only relevant references in the Dumbarton Oaks draft to trusteeship matters were vague and quite inadequate.

### *Limited Powers and Status of Economic and Social Council*

Again, under the Dumbarton Oaks proposals, the Economic and Social Council was not a "principal organ." While a number of functions were assigned to it under Section C of Chapter IX, it was to be a very weak, not to say anæmic, organ. For instance, the draft contained no hint whatever of the specific pledge subsequently undertaken by Members in Article 56 of the United Nations Charter to "take joint and separate action" to "promote" full employment and higher living standards. This proposal, introduced by Australia at San Francisco and unanimously adopted, was one of many which greatly strengthened the economic provisions of the Charter.

## THE UNITED NATIONS

### *Restrictions on Powers of General Assembly*

Thirdly, the powers of the General Assembly in the Dumbarton Oaks text were far too restricted. Under Article 3 of the League of Nations Covenant, the League Assembly had been given power to deal with "any matter within the sphere of action of the League or affecting the peace of the world." Under Section B of Chapter V of the Dumbarton Oaks proposals the General Assembly was given the right to consider only the "general principles" of co-operation in the maintenance of international peace and security, to discuss questions relating to the maintenance of international peace and security brought before it by a Member, and to make recommendations regarding such principles or questions.

These very limited powers of the General Assembly were greatly extended at San Francisco. Past experience in the League of Nations had shown, moreover, the danger of disputes becoming "frozen" in the Council, and safeguards were clearly desirable to maintain the jurisdiction of the new Assembly in case of procrastination or deadlock in the Security Council.

## FORMATION

### *Security Council*

The Dumbarton Oaks draft centred mainly round the Security Council, and it is in the Chapters dealing with this body (Chapters VI and VIII) that the major powers made a real attempt to fill in the "gap" in the League of Nations Covenant which made enforcement action and the application of sanctions so difficult, particularly after acceptance by the League Assembly in 1921 of interpretative resolutions and rules of procedure all tending to narrow unduly the scope of sanctions under Article 16 of the Covenant.

In the Dumbarton Oaks draft, the Security Council was given "primary responsibility" for the maintenance of international peace and security (Chapter VI B I); all members of the Organization were to bind themselves to accept decisions of the Council and to carry them out in accordance with the provisions of the Charter (VI B 4). A Military Staff Committee was to be established (VI B 5); the Council was to have not only wide powers of investigation and recommendation in regard to pacific settlement of disputes (VIII, Section A), but could also have recourse to diplomatic or economic or military measures to maintain international peace and security (VIII B). Special agreements were to be concluded by members to make available to the Council armed forces, facilities and assistance necessary

## THE UNITED NATIONS

to maintain peace and security. National air force contingents were to be held immediately available, so that urgent military measures could be taken by the organization for collective international enforcement action.

### *Defects in Chapters Relating to Security Council*

Even in relation to the Security Council and enforcement action, certain aspects of the Dumbarton Oaks proposals were open to serious objection. Firstly, it was necessary to lay down at San Francisco that action by the Security Council should be based not upon political considerations but upon accepted principles of just international behaviour. Secondly, under the voting formula agreed upon at Yalta, the Great Powers were given a privileged position in the Council not only in being made Permanent Members of the Council; they were also given the right of individual "veto" on all questions of substance, with two exceptions to which I shall refer later. Under the League of Nations Covenant, *all* members of the Council, Small or Middle Powers as well as Great Powers, had to agree on decisions taken. While it may be strongly argued that *no* single power, great or small, should have the right to frustrate all types of Council action, particularly if it is a party to a dispute, it does not follow that reduction of the number of countries who possess the right of

## FORMATION

individual veto by reserving that right to a few major powers is an improvement upon the Covenant of the League of Nations. Moreover, the voting provisions affecting the permanent members of the Security Council were all the more important because the Dumbarton Oaks proposals also gave to each Permanent Member a veto upon *all* amendments to the Charter. This made it all the more necessary for the delegates at San Francisco to improve the draft Charter. This necessity was ever present to the minds of the Australian Delegation.

Thirdly, no provision was made in Chapter VIII, Section C of the Dumbarton Oaks draft (regional arrangements) which clearly protected the right of individual or collective self-defence if a country were attacked and the Security Council failed to take action.

Fourthly, while situations or disputes arising out of matters which by international law are solely within the domestic jurisdiction of the state concerned were excluded from the operation of Chapter VIII, Section A (pacific settlement), there was no corresponding exception in Chapter VIII, Section B (enforcement action).

The Dumbarton Oaks draft was defective in many other respects but the illustrations I have given are sufficient to substantiate the comments which I made earlier, viz., that the draft, though a necessary starting



## THE UNITED NATIONS

point for discussion at San Francisco, had grave defects and showed obvious signs of having been drawn up in the exclusive interests of major powers, preoccupied with problems of military security, and inclined to ensure for themselves special privileges to which they deemed themselves entitled by reason of their contributions to victory in World War II.

### THE SAN FRANCISCO CONFERENCE

I now turn to the San Francisco Conference to indicate the attitude of its delegates to the Dumbarton Oaks draft. The San Francisco Conference was an unforgettable experience for those who had the privilege of participating in it. If the Charter of the United Nations failed to set up a world organization which was a perfect instrument to maintain world peace, this was not due to lack of effort on the part of most of the countries represented. The high sense of responsibility with which the Conference as a whole was imbued is clearly evidenced by the voluminous amendments to the Dumbarton Oaks text filed by delegations, by the quality of those amendments, by the great debates which followed them, and by the unanimous acceptance of all decisions at the end of the Conference.

Delegations varied in size from three or four in the case of some very small States to 175 in the case of the

## FORMATION

United States of America. Official statistics of registration showed that there was a total of 282 delegates and 1,444 assistant delegates, advisers, consultants, technical experts, and staff members of delegations. In addition, representatives of the following intergovernmental organizations attended: The League of Nations, the Permanent Court of International Justice, the International Labour Organization, the United Nations Interim Commission on Food and Agriculture, the United Nations Relief and Rehabilitation Administration, and the Pan American Union.

### *Great Powers' Inner Committee*

During the Conference an Inner Committee of the Great Powers was maintained to facilitate agreement between them regarding all important issues. Criticism by other delegations of the Dumbarton Oaks proposals was so strong that, on 5 May 1945, a number of amendments were tabled in the joint names of the Governments of United States, United Kingdom, Soviet Union, and China. Later some additional amendments were tabled in the name of these Governments.

While establishment of this unofficial Inner Group no doubt had advantages in maintaining unanimity among the Powers concerned, the result was to make it more difficult for other countries to modify in the Conference

## THE UNITED NATIONS

itself any amendment previously agreed to by the Great Powers, who, once committed, fought strenuously in the Conference to defend the texts agreed on, whatever their individual opinions may have been. For instance, Australia had great difficulty in securing Conference approval of the present Charter text of the domestic jurisdiction clause (Article 2, paragraph 7), and succeeded partly because on this occasion the Inner Committee agreed, under very heavy pressure, to allow to its members freedom of action on this subject in the Conference, in spite of the fact that they had agreed upon and published a different text.

### *Improvements in Dumbarton Oaks Text Made at San Francisco*

The main ~~improvements made~~ at San Francisco in the Dumbarton Oaks text were as follows. Firstly, the principles and purposes of the Organization were broadened in scope and made more precise. Secondly, the General Assembly was given the widest power to discuss all matters within the scope of the Charter. Thirdly, important criteria were laid down for election of non-permanent members of the Security Council. Fourthly, despite the most violent opposition to all attempts to restrict in any degree the right of veto of the Permanent Members of the Security Council, these Powers bound themselves, without altering in any

## FORMATION

respect the words of the Yalta voting formula, to accept an interpretation of the formula which precluded use of the veto to prevent an item being placed on the Council's agenda or to prevent subsequent discussion of such item. Fifthly, important modifications were made in the provisions dealing with regional arrangements. Sixthly, the Economic and Social Council was elevated into a principal organ of the United Nations, members of which pledged themselves to take action to promote defined economic and social objectives. Seventhly, entirely new Chapters regarding the principles applicable to non-self-governing territories and establishment of an international Trusteeship System were written into the Charter. I shall deal with each of these matters in turn.

### *Purposes and Principles of the Charter*

As a result of the San Francisco amendments, the Charter now provides that the collective measures taken to maintain or restore international peace and security shall be "in conformity with the principles of justice and international law." Friendly relations are to be developed among nations "based on respect for the principle of equal rights and self-determination of peoples." International co-operation is to be sought in solving "cultural," as well as economic, social and humanitarian problems, and also "in promoting and

## THE UNITED NATIONS

encouraging respect for human rights and for fundamental freedoms without distinction as to race, sex, language, or religion." In other words, decisions taken under the Charter are to be based upon clearly stated and recognized principles, and not on mere expediency.

All Members of the United Nations bind themselves to fulfill "in good faith" the obligations assumed by them under the Charter. At San Francisco it was argued that inclusion of the words "in good faith" was unnecessary. I doubt whether objection would today be raised to the stress laid on the requirement of good faith—so rightly insisted upon by many Latin-American countries represented at San Francisco.

Again, specific reference is now made in the Charter to the requirement that Members shall refrain from the threat or use of force "against the territorial integrity or political independence of any State." During the Conference several countries, bearing in mind Article 10 of the League Covenant, wished to incorporate in the Charter a definition of "aggression," but the majority felt this to be impracticable, because loopholes would almost certainly be found in any rigid definition. Aggression may take very many forms but when perpetrated it is easily recognized.

As a result of the insertion of the above words in the principles of the Charter, any infringement by a Member of territorial integrity or political independence would

## FORMATION

involve a clear breach of the Charter. Thus the most typical form of aggression would place the aggressor clearly in the wrong at the bar of the United Nations.

### *General Assembly*

In view of the fact that action by the Security Council might be obstructed by use of the veto by a Permanent Member of the Council, it was of the first importance to ensure that the most democratic Organ of the United Nations, the General Assembly, should have the widest possible powers of discussion and recommendation, so that the pressure of world public opinion could be brought to bear upon countries not living up to their international obligations. Australian amendments to the Dumbarton Oaks text were therefore filed at San Francisco, aimed first at removing the limiting phrases "general principles" and "maintenance of international peace and security" from Chapter V, Section B, paragraph 1, of the Dumbarton Oaks draft and second at preventing matters becoming so "frozen" in the Security Council that the Assembly would not be entitled to adopt recommendations thereon. The Great Power Inner Committee itself approved inclusion of a new paragraph which was a step in the right direction, but did not go far enough.

Towards the close of the Conference a special sub-

## THE UNITED NATIONS

committee consisting of Mr. Stettinius (U.S.A.), Mr. Gromyko (U.S.S.R.), and myself as representative of the middle and smaller powers, was set up to draft an agreed text. Finally a formula which I put forward was accepted by the sub-committee and later adopted unanimously by the Conference. As a result, Article 10 of the Charter now empowers the Assembly to discuss, "any questions or any matters within the scope of the . . . Charter or relating to the Powers and functions of any organs provided for in the . . . Charter." Inclusion of this clause removes any shadow of doubt as to the general jurisdiction of the Assembly to discuss any matter of international concern, whether relating to security or welfare and whether particular or general in character. This broadening of the scope of the General Assembly's powers is one of the most important achievements of the San Francisco Conference and one of the main democratic safeguards of the United Nations Organization.

The Assembly can not only discuss but also make recommendations on all such questions and matters, unless the Security Council is at the time exercising in respect of the dispute or situation the functions assigned to it (see Article 12). This qualification was added in order to prevent the "freezing" of disputes in the Council. As a safeguard, the Secretary-General is required to notify the Assembly of matters which are being dealt

## FORMATION

with by the Security Council and also immediately the Council ceases to deal with such matters (Article 12).

I submit that the persistence of Australia and other non-major powers at San Francisco in greatly increasing Assembly jurisdiction has been amply justified by the event. The general jurisdiction of the Assembly to deal with matters affecting international peace and security has been challenged by the Soviet Union in the present Session of the Assembly. There can be no doubt, however, that in view of the provisions of Article 10 of the Charter, this attempt to deny the plain and obvious interpretation of the Assembly's powers will not obtain support from any impartial jurist.

### *Security Council*

*Election of non-permanent members.* The Dumbarton Oaks proposals laid down no criteria for the election of the six non-permanent members of the eleven member Security Council. Australia pressed at San Francisco to obtain acceptance of the view that the primary qualification for election should be proven capacity to contribute to "security," although geographical distribution of seats should not be ignored. Some other countries emphasized instead the primary importance of geographical allocation of seats. In the result, the Great Powers put forward a compromise amendment which was accepted. The text now runs as follows



## THE UNITED NATIONS

(Article 23), "The General Assembly shall elect six other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution."

*The Veto.* I turn now to consideration of the "veto" question. This was perhaps the most important issue discussed at San Francisco. The issue came close to wrecking the Conference and, since San Francisco, it has given rise to more difficulty than any other.

At Dumbarton Oaks the powers represented were unable to agree upon a text dealing with the question of voting in the Security Council, and this part of the proposals was left blank. It was not until the Yalta Conference that agreement was reached on the provisions now incorporated in the Charter. Under this text, a distinction is drawn between matters of procedure and matters of substance. For matters of "procedure," the meaning of which is not defined, an affirmative vote of any seven members of the Council is sufficient. For matters of substance, the affirmative vote must include the votes of all permanent members of the Council, with two exceptions, viz., that parties to a dispute must abstain from voting, firstly, in decisions

## FORMATION

under Chapter VI of the Charter (pacific settlement) and, secondly, in decisions under paragraph 3 of Article 52 (pacific settlement through regional agencies).

I doubt whether any of the middle or small powers represented at San Francisco really believed in the justice of the Great Power veto, though some of them voted for it on grounds of political expediency. The Australian view lay midway between the two extremes of total support for and total opposition to the veto. I stated at that time, and have consistently maintained ever since, that Australia was prepared to accept the veto in respect of enforcement action, but could see no reason whatever why it should be applied in respect of the peaceful settlement of disputes. Indeed, I maintained that the peaceful adjustment of disputes or, in other words, the process of conciliation and mediation should not be regarded as a power of the Security Council but rather as its imperative and continuing duty. If so, there was no room for the right of veto, except in relation to the application of political, economic, or military sanctions against an aggressor.

The position was really extraordinary. The Yalta formula was so ambiguous that the smaller powers drew up a questionnaire directed to the Great Powers asking for an answer to twenty-two questions, so as to make completely clear the meaning of the text. But this ambiguous text was regarded as sacrosanct! It

## THE UNITED NATIONS

had been approved by the three heads of States, and doubts regarding its meaning or adequacy appeared to some treasonable, indeed almost blasphemous.

We were told over and over again that preservation of the principle of unanimity among the Great Powers was vital, and when amendments to the formula were moved or discussed, we were accused of wanting to be "perfectionists" or of wanting to "tear up the Charter." In the end, we were told flatly that no change in the text would be accepted and that we would have to take the Charter with this text or have no world organization at all.

But in the end our persistence had some good effect. The Great Powers came to realize that the smaller powers would not accept a Charter unless certain minimum demands for restriction of the veto were accepted, viz., that there should be no veto upon the placing of items on the Council Agenda, and no veto on discussion. These undertakings were at last given in the Statement of the Four Sponsoring Governments on 7 June 1945, a document which repays careful study. In that statement it is declared that "no individual member of the Council can alone prevent consideration and discussion by the Council of a dispute or situation brought to its attention, under paragraph 2 Section A, Chapter VIII" (see now paragraph I of Article 35 of the Charter). If this vital concession had not been

## FORMATION

won, it is likely that discussion of matters in the open forum of the Security Council would have been rendered impossible: if so, the United Nations might well have been broken up.

As I have already suggested, retention of the Yalta formula in the Charter was made the more serious because the veto on amendment held by each permanent member of the Council in the Dumbarton Oaks draft was maintained in the Charter despite our most strenuous efforts to secure assent to a more liberal process for amendment. Even now it is not sufficiently recognized that it is far more difficult to amend the Charter than it was to make the Charter. During the conference of San Francisco a two-thirds majority was sufficient to secure acceptance of a clause, whereas no clause can now be amended if a single permanent member of the Council objects. We were able to have a clause inserted (see Article 109) as a result of which a proposal for a Conference to review the Charter shall automatically be placed upon the Agenda of the tenth Annual Session of the Assembly, if not previously agreed to by the requisite majority of members of the Assembly and the Security Council. But this clause in no way restricts the right of any permanent member to veto any amendment to any Article of the Charter. That is why we had to fight so hard at San Francisco to improve the Dumbarton Oaks draft. We realized that in the

## THE UNITED NATIONS

struggle for liberalising and democratising the Charter it was "now or perhaps never."

*Regional Arrangements and Self-Defence.* Under Section C of Chapter VIII of the Dumbarton Oaks draft, general approval was given to the principle that matters relating to the maintenance of international peace and security could be dealt with by regional agencies or under regional arrangements, provided these were consistent with the purposes and principles of the United Nations. The Security Council was directed to encourage settlement of local disputes through regional agencies and could use the latter for enforcement action under its authority. No enforcement action could be taken under regional arrangements, however, without the authorization of the Security Council.

These clauses were of particular significance to the countries of the Western Hemisphere, in view of their long tradition of co-operation and the specific agreement reached in the Act of Chapultepec on 3 March 1945, not long before the San Francisco Conference opened. In this Act it was declared that "every attack of a State against the integrity . . . or political independence of an American State shall . . . be considered as an act of aggression," against the other States signing the declaration. In case of such act of aggression being prepared or occurring, the signatory States were to

## FORMATION

consult among themselves in order to agree upon what measures to take.

At San Francisco it was a political problem of the first importance to reconcile the natural desire of the countries of the Western Hemisphere to act collectively and immediately to resist aggression, with the supreme overall authority of the Security Council of the United Nations to deal with threats to the maintenance of international peace and security in any part of the world. Suppose the Security Council failed to act in some dispute in the Western Hemisphere, perhaps because a veto was applied, perhaps because of deliberate procrastination. Were American countries to submit to aggression? On the other hand, suppose the countries of this Hemisphere combined swiftly to resist what they regarded as aggression, but their view of the merits of the case was not sustained by the Security Council?

The Australian delegation was concerned lest, through use of the veto, the Security Council should be prevented from taking action to deal with a dispute, or be prevented from authorizing enforcement action by a regional agency. If a dispute thus became "frozen" in the Council, it was essential that there should be clear recognition of the right of a country to defend itself against aggression and to call its friends to its assistance under regional or other defensive arrangements. We

## THE UNITED NATIONS

therefore proposed an amendment in the following terms: "If the Security Council does not itself take measures, and does not authorize action to be taken under a regional arrangement or agency, for maintaining or restoring international peace, nothing in this Charter shall be deemed to abrogate the right of the parties to any arrangement which is consistent with this Charter to adopt such measures as they deem just and necessary for maintaining or restoring international peace and security in accordance with that arrangement." Under this amendment, the right of the Security Council to intervene at any time was made clear. At the same time, if it failed to act, other defence arrangements on a regional or imperial basis could be brought into immediate operation.

After long discussion, a text acceptable to all was agreed upon. Article 51 of the Charter now provides that "Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at

## FORMATION

any time such action as it deems necessary in order to maintain or restore international peace and security."

When Senator Vandenberg, of the United States Delegation, introduced the final formula he paid tribute to the aid received from other countries and said that the Australian proposal had been of decisive importance.

The importance of this provision in the Charter can scarcely be over-estimated in view of the fact that the Security Council still has no armed forces placed at its disposal and in view also of constant frustration of action by the Council in the past two years through excessive use of the veto.

### *Economic and Social Council*

I have already referred briefly to the weakness of those clauses in the Dumbarton Oaks proposals dealing with arrangements for international economic and social co-operation. The purposes were stated far too narrowly. In our view inclusion of a direct pledge by each country to carry out these purposes was desirable; the status and powers of the proposed Economic and Social Council were not adequate. For years, Australia had been advocating international agreement on employment policies as the fundamental basis of international economic collaboration. At conferences held in Hot Springs, Philadelphia, and Bretton Woods we



## THE UNITED NATIONS

argued publicly and privately that too little importance had been attached in the past to the impact of domestic employment policies on international economic affairs, domestic unemployment having contributed so much to the spread of unemployment throughout the world during the years of economic depression.

At San Francisco there was much support for our views regarding the status and functions of the Economic and Social Council and the need to make more specific the principles of international economic and social co-operation. But some countries, particularly several of the Great Powers, were, to say the least, extremely unresponsive about our suggestion to incorporate a definite pledge to "promote" these principles.

The Conference decided to raise the Economic and Social Council to the status of a principal organ of the United Nations and gave it wide powers, including the right to call conferences from time to time to discuss matters in its field; to make recommendations for co-ordination of the policies and activities of the specialized agencies and for the purpose of promoting respect for and observance of human rights and fundamental freedoms; and to prepare draft conventions for submission to the General Assembly or to Members of the United Nations.

Even more important, members of the United Nations pledged themselves, at Australia's instance, under

## FORMATION

Article 56, "to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55." These purposes include (a) higher standards of living, full employment, and conditions of economic and social progress and development, (b) international cultural co-operation, and (c) observance of human rights and fundamental freedoms.

### *Trusteeship*

Although the Dumbarton Oaks text contained no reference to trusteeship, it was inevitable that this subject should be raised at San Francisco, if only because some provision had to be made for carrying on, under international sponsorship, some of the "mandated" territories established after World War I. Formal proposals on this subject were put forward by the Governments of Australia, the United States, United Kingdom, Soviet Union, China, and France. In the absence of a basic Dumbarton Oaks text on the subject, Commander Stassen, of the United States Delegation, was deputed to put forward a working paper representing the maximum area of agreement between the different proposals. This paper was accepted as a basis of discussion. It consisted of two parts, the first dealing with general policy and containing a statement of principles applicable to all non-self-governing territories, the second

## THE UNITED NATIONS

dealing with the principles and machinery of a new trusteeship system applicable only to certain categories of non-self-governing territories.

Chapter XI of the Charter contains the first joint declaration in history by the major colonial Powers of principles applicable to all their non-self-governing territories. This declaration was initiated by a proposal of Australia's which was at first received by several colonial powers with some coolness. Under the terms of the joint declaration, the principle is accepted that "the interests of the inhabitants of these territories are paramount." The Members of the United Nations undertake, *inter alia*, to ensure for the inhabitants their political, economic, social, and educational advancement, their just treatment and their protection against abuses; to develop self-government; to promote constructive measure of development, and to transmit regularly to the Secretary-General for information purposes statistical and other information of a technical nature relating to economic, social, and educational conditions (Articles 73 and 74).

Chapters XII and XIII of the Charter provide for a system of supervision of administration called "trusteeship." The trusteeship system is applicable to existing mandated territories, to territories detached from enemy States as a result of World War II, and to terri-

## FORMATION

tories voluntarily placed under the trusteeship system by States responsible for their administration. (See Article 77.) The terms of trusteeship must be agreed upon by the States directly concerned, including the mandatory power in the case of mandated territories, and approved by the General Assembly, save where "strategic Areas" are designated, in which case the Security Council has to approve (Articles 79, 82, 83, and 85). A trusteeship Council is established (Article 86), consisting of members administering trust territories, and additional elected members sufficient to ensure an even balance between administering and non-administering Members. The Trusteeship Council, under the authority of the General Assembly, has the power to consider reports from administering authorities; to accept petitions; to make periodic visits to trust territories; and to issue a questionnaire on conditions in each trust territory which is to form the basis of the annual report by the administering authority (Article 87).

Chapters XI, XII, and XIII of the Charter undoubtedly represent one of the major achievements of the San Francisco Conference. Not only was provision made for future international supervision of mandated territories brought under the new trustee system; an opportunity was given to bring other non-self-governing territories under the system. General principles were

## THE UNITED NATIONS

laid down for the government of dependent territories which in the future administering authorities would ignore at their peril, for world public opinion would be quick to note breaches of the obligations to dependent peoples assumed by Members of the United Nations under the Charter and to assign blame to those responsible.

It is necessary, in view of interpretations subsequently placed upon the provisions of the Charter, dealing with non-self-governing territories, to stress the fact that it was made quite clear at San Francisco that the bringing of territories under the trusteeship system was to be a *voluntary* act upon the part of the administering authorities. There was no legal obligation to bring even mandated territories under the system. It was, of course, hoped and expected that at least the existing mandated territories would be brought under the Trusteeship Council, unless the territory concerned was ripe for independence, but even in these cases the terms of trusteeship had to be agreed upon by the states directly concerned, including the mandatory power.

### AUSTRALIA'S CONTRIBUTION AT SAN FRANCISCO

In justly estimating the constructive work of the San Francisco Conference in improving and liberalising the Dumbarton Oaks text it will, I think, be helpful to

## FORMATION

summarize the objectives of the Australian Delegation to the Conference and the actual accomplishments.

### *Australian Objectives at Opening of Conference*

Nine Australian objectives were publicly announced at the opening of the San Francisco Conference as follows:

1. To prevent the possibility of a single great Power vetoing amendments to the Charter, providing such amendment is twice approved by a two-thirds majority of the General Assembly including three permanent members of the Security Council.
2. To exclude the veto of the permanent members from all arrangements relating to the peaceful settlement of disputes, and to confine such veto to decisions involving the application of economic and military sanctions.
3. To require a pledge from all members to respect the territorial integrity and political independence of other members.
4. To declare that justice and the rule of law shall be principles guiding the action of the Security Council; and for this purpose to require the maximum employment of the Permanent Court in

## THE UNITED NATIONS

determining the legal aspects of international disputes.

5. To see that the Security Council is in fact composed of "security" Powers, i.e., Powers which by their past military contribution to the cause of world security have proved themselves able and willing to assume substantial security responsibilities, or which are willing, and, by virtue of their geographical position in relation to regions of primary strategical importance, are able, to make a substantial contribution to the maintenance of international peace and security.
6. To require members to pledge themselves to take action both national and international for the purpose of securing for all peoples, including their own, improved labour standards, economic advancement, employment for all, and social security; and, as part of that pledge, to take appropriate action through the Assembly, the Economic and Social Council, and the International Labour Organization and, in particular, to make regular reports to the Assembly as to what they have actually done to carry out that pledge.
7. To elevate the Economic Council into a principal organ of the world organization and to give the Economic Council under the General Assembly

## FORMATION

specific new functions, including power to initiate action for the making of international conventions on all matters not being dealt with by other specialized agencies.

8. To give the General Assembly a wider jurisdiction over, and a fuller share in, the general work of the organization and in particular to vest the Assembly with power to prevent situations and disputes from becoming "frozen" in the Security Council, as occurred in the League of Nations in the notorious case of external aggression against China, Ethiopia, and Czechoslovakia.
9. To lay down the principle that the purpose of administration of all dependent territories is the welfare and development of the native peoples of such territories, and to place a specified obligation on nations controlling particular dependent territories to report regularly to advisory bodies consisting of expert administrators.

### *Improvements at San Francisco on Dumbarton Oaks Text*

With the enthusiastic co-operation and support of other middle and smaller nations, but only after a most strenuous, and at times bitter, fight, Australia's proposals in the end were found to have had a substantial effect on the Dumbarton Oaks draft. Australia origin-



## THE UNITED NATIONS

ally proposed thirty-eight amendments of substance. Of them, twenty-six were either adopted without material change or adopted in principle, or were made unnecessary by other alterations; two led to significant alterations. Besides these, six important new obligations in relation to the trusteeship of dependent peoples were suggested and included in the new chapter. The following analysis of the position is a sufficient illustration of the useful improvements effected on the initiative of one only of the smaller nations:

1. The amendment to lay down a governing principle aimed at protecting the territorial integrity and political independence of member States was adopted.
2. The provision that peaceful settlement should proceed not arbitrarily but in conformity with the principles of justice and international law was adopted.
3. The proposal for the inclusion of a specific provision that the only permissible intervention of the organization in matters of domestic jurisdiction should be in the case of actual enforcement measures by the Security Council was adopted.
4. Also adopted was the vital proposal to extend the Assembly's right of discussion and recommendation to all matters and questions within the scope of the Charter (which matters include the extra-

## FORMATION

ordinarily wide preamble and statement of purpose and principles contained in the Charter).

5. The proposal designed to prevent the freezing of disputes in the Security Council, by requiring it to report to the Assembly or the Member States immediately it has ceased to deal with the dispute, was accepted.
6. Also adopted was the amendment designed to ensure that all the special military agreements to place forces and facilities at the disposal of the Security Council should be made with each member or group of members by the Security Council itself.
7. The amendment that, in the election of non-permanent members of the Security Council, special regard should be had, first, to proven ability to contribute to international security and, second, to geographical representation, was adopted.
8. The substance of Australia's amendment specifically providing for the right of self-defence in case of inaction by the Security Council was incorporated in Senator Vandenberg's broader formula on regional arrangement, which was finally accepted.
9. The conference accepted Australia's amendments to the economic and social chapter to include the

## THE UNITED NATIONS

promotion of full employment and higher living standards within the purposes of the Economic Council.

10. The conference also accepted Australia's proposal to include a definite pledge by each member to take action to promote (*inter alia*) the objective of full employment by joint and separate action in co-operation with the organization.
11. Other amendments designed to enlarge the powers of the Economic and Social Council by enabling it to call conferences, to prepare conventions, to co-ordinate agencies, and generally to act as a co-ordinating economic body, were adopted.
12. In the important new chapter on trusteeship, seven Australian amendments were adopted. These include a general declaration of trusteeship in relation to all the peoples in non-self-governing countries. In this declaration the obligations of the parent State were expressed as including: (a) just treatment of the peoples concerned; (b) their protection against abuses; (c) the promotion of constructive measures of development; (d) encouragement of research; (e) full co-operation with other international bodies; and, most important, (f) the transmission regularly to the world organization of full statistical information relating

## FORMATION

to economic, social, and educational conditions of the native peoples. As a result of this chapter, it is clear that the parent State is under an international obligation to promote the political and economical development of the peoples of all its non-self-governing territories, whether or not those territories have been formally placed under trusteeship.

The removal of the individual veto on constitutional amendments was not obtained by the smaller Powers; but their efforts resulted in a provision which will at any rate facilitate opportunities for special constitutional review. The smaller Powers also obtained a solemn undertaking by the five permanent Members of the Security Council that every dispute before the Security Council would at least be given some—how much was uncertain—preliminary discussion and consideration. This fell far short of Australia's proposal that there should be no individual great Power veto whatsoever on any of the processes of conciliation, i.e., the peaceful settlement of disputes. Our proposal was lost, although it would certainly have been adopted but for the plain intimation by the great Powers that the Charter would not be signed if the amendment was carried. I am satisfied that the retention of the veto of each permanent member upon the processes of international conciliation in the Security Council was quite unnecessary in

## THE UNITED NATIONS

the interests of the permanent members—apart from being indefensible in principle.

As already stated, I have dealt with the Australian proposals merely to drive home the point that the operation of liberalising the Dumbarton Oaks text and making it more democratic was performed by the co-operation of many smaller nations. Australia could not possibly have succeeded to the extent indicated above except for the resolution and steadiness of able and determined delegates from the British Commonwealth and from influential Latin-American, European, and Middle-Eastern nations. In the light of this valuable co-operation at San Francisco, I have always been confident that the General Assembly of the world organization would turn out to be its most important organ.

## CONCLUSION

Most of those present at San Francisco did their work faithfully and well. They did not forget or betray those who died in two World Wars to secure a better world based upon justice. Faults have since become apparent in the working of the United Nations. The International Court has so far been denied almost totally the opportunity of working. But for the most part, these faults can be corrected. They do not necessarily flow from the Charter itself.

## FORMATION

There is, however, one vital exception to this statement, which I shall develop in detail in a later lecture, but which I must stress also here. It was a fault seen and emphasized at San Francisco and could have been avoided or at least mitigated. I refer to the almost unlimited veto given to the Permanent Members of the Security Council.

At San Francisco we fought to the very limits of our strength to restrict the individual veto power to due proportions. We knew instinctively the dangers involved. We could not accept the viewpoint that because no great powers had in the past ever voluntarily surrendered or restricted such a right of veto, therefore neither in the present nor in the foreseeable future should any such power be expected to do so. Our generation, and the generation which preceded it, have seen the world change with lightning speed. Ancient notions of sovereignty, save in some unexpected quarters not ordinarily noted for conservatism in political or social outlook, are fast being modified. To me it is a tragedy that at San Francisco we were compelled by the force of circumstance to adopt a Charter so rigid that one single member of the large and increasing family of nations could by its own act prevent amendment by constitutional means of any clause.

In the earlier part of my address I stressed the fact that the Conference was held before the war was over.

## THE UNITED NATIONS

Would it have been better for the world if no Conference had been held until at least armistice with both Germany and Japan had been concluded and perhaps until we had agreed upon peace settlements with Germany and Japan?

The statesmen responsible for calling the Conference on 25 April 1945 were on the horns of a dilemma. To call a Conference during the war might produce a bad Charter; to call a Conference after the war might produce no Charter at all.

We must take events as we find them. The Conference was in fact called. As a result of sustained and strenuous efforts, a Charter was produced representing great advances on the Dumbarton Oaks text. It is useless for us to deplore the basic weakness of San Francisco. Rather it is our task to try and recapture, and to maintain, the crusading spirit of that Conference—to march forward together, with clear heads, determined to find means, in spite of all obstacles, of resolving difficulties which stand in the way of international co-operation, so that “men in all lands” may yet “live out their lives in freedom from fear and want.”

THE WORKING  
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## II

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I NOW PROPOSE to examine the actual working of the United Nations Organization since its establishment, to draw attention to its successes, and to ascertain some underlying causes of its failures. We shall then be in a position to consider the future prospects of the Organization and to ask ourselves what changes should be made in its Constitution or in its practices with a view to justifying the hopes of mankind that international peace can be organized and maintained on the basis of political and economic justice.

### BACKGROUND TO WORK OF THE UNITED NATIONS

If we are to judge fairly the value of the work of the United Nations since its establishment, we must note certain factors which have contributed to its difficulties.

#### *Peace Settlements*

First and foremost of these difficulties is the failure to conclude, outside the United Nations, peace settle-

## THE UNITED NATIONS

ments with Germany, Japan, and Austria. In my opinion it is scarcely possible to over-estimate the significance for the United Nations of the failure of the major Allies to reach early agreement on these peace settlements, or to over-emphasize the importance of concluding at the earliest possible date treaties legally terminating World War II on precise conditions known to victors and vanquished. The Second Session of the Assembly is meeting at a period in world history which can be described as the half light between war and peace. Although the primary function of the United Nations is to maintain world peace, paradoxically there is as yet no world peace to maintain.

At San Francisco it was expected that postwar settlements would be reached fairly quickly after the end of hostilities and it was hoped that the Security Council would prove capable of handling new international disputes, in spite of the operation of the veto. Instead, peace treaties with Italy and the satellites of Hitler were negotiated with the greatest difficulty and have only recently come into force. Although continuous efforts have been made to reach settlements on Germany and Austria, differences of opinion have been disclosed which have so far proved irreconcilable. These differences have inevitably been reflected in the United Nations, particularly in the proceedings of the Security Council. Suspicion and rivalries, which reveal them-

## OPERATION

selves in the Council of Foreign Ministers which prepares treaties of peace, do not disappear by magic when the representatives of the same countries meet as Members of the United Nations. I can think of nothing which would contribute more to the effective working of the United Nations than the earliest possible conclusion of peace settlements in relation to Germany, to Austria, and to Japan.

### *Organizational Stages*

The United Nations is still passing through its organizational stages. Although the Economic and Social Council was established formally over eighteen months ago at the First Part of the First Session of the General Assembly, various Commissions and Sub-commissions of the Council had to be set up, to begin work, and to report back to the Council. The Trusteeship Council was set up only twelve months ago. There is still no permanent headquarters building where the Secretariat can be properly housed and where plenary and committee meetings of the Assembly can be held without the dissipation of time and energy involved in travelling each day to Flushing Meadows or Lake Success. A large Secretariat has been recruited, many on a temporary basis, and for various reasons the quality of some of the appointees leaves much to be desired.

I mention these difficulties not by way of excuse, still

## THE UNITED NATIONS

less defence. The United Nations has to prove its worth despite the obstacles which stand in its way. There is a tendency nowadays, however, to under-estimate its undoubted achievements, and these can be appreciated at their true value only if we recognize and appreciate the peculiar difficulties of establishing effective international machinery during the past two years.

It is against this background that we must examine the actual work of the United Nations since its formation in 1945. In doing so I must limit myself to an examination of the most important activities, and to general comments on a number of other activities.

### WORK OF PARTICULAR ORGANS OF THE UNITED NATIONS

First of all there is the work of the Security Council.

#### *Security Council*

*Veto.* Under Article 24 of the Charter, the Members of the United Nations confer on the Security Council, “*primary* responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.” How has the Council carried out this responsibility in the twenty-one months since it has been established?

## OPERATION

The answer is clear. The Council has a few achievements to its credit, to which I shall refer later. For the most part, however, it has failed in the discharge of its high responsibilities: not because, as in the case of the International Court of Justice, it has been given no work to do; not because a majority of its members have been unable to agree upon an appropriate course of action; but because of the excessive and almost irresponsible use of the veto by one Permanent Member of the Council.

The Soviet Union is not the only country which has used the veto. France has twice exercised this right, firstly, during consideration of the Spanish question when on 26 June 1946, she acted with the Soviet Union in preventing effect being given to the ruling of the President (supported by eight members of the Council) that part of a resolution was procedural and not a matter of substance; and, secondly, during consideration of the Indonesian question, when, on 25 August 1947, she vetoed an Australian-Chinese proposal to establish a commission composed of Members of the Security Council to supervise fulfilment of a Council resolution calling for cessation of hostilities and settlement of the dispute between Indonesia and the Netherlands by arbitration or other peaceful means. In justice, it should be added that the veto might sometimes have been exercised by other Permanent Members if

## THE UNITED NATIONS

the occasion had arisen, but it turned out that resolutions, to which they were strongly opposed, failed to secure the support of seven members of the Council.

However, the outstanding fact is that the veto has been exercised by the representative of the Soviet Union on no fewer than twenty-two occasions, either in circumstances when the vital interests of the Soviet Union were not affected or in apparent breach of understandings given at San Francisco by the Great Powers. As a result, a large number of decisions supported by a majority of the Council have been rendered quite inoperative. This has caused diminution of the Council's prestige, and a feeling of frustration which has inevitably stimulated efforts to make wider use of the powers of the General Assembly in the field of peace and security. By the many failures of the Security Council grave loss of confidence in the effectiveness of the United Nations as a whole has rapidly developed.

In my first lecture I referred to the fact that under Article 27 of the Charter, decisions on procedural matters require an affirmative vote of seven members of the Council, whereas matters of substance require a vote of seven members, including the concurring votes of all the five Permanent Members. It is this latter requirement which gives to each permanent member what is in effect a power to block a Council decision, even though it is supported by ten of the eleven members.

## OPERATION

There are two exceptions to the voting rule, since *parties* to disputes under Chapter VI (pacific settlement) and under paragraph 3 of Article 52 (pacific settlement through regional agencies) must abstain from voting.

Australia, supported by many other countries, fought at San Francisco to limit the veto to enforcement action only, that is, to the imposition of sanctions. We claimed that Members of the Council had a duty, rather than a right, to conciliate disputants under Chapter VI of the Charter, and that the veto on pacific settlement of disputes should therefore be abolished altogether. The voting on the Australian amendment submitted at San Francisco indicates the strength of the support for our view among nations represented at the Conference. There were ten votes in favor of the amendment, twenty votes against, and fifteen abstentions. When it is realized that all countries which abstained from voting favored the Australian amendment, and that a number of countries which voted against the amendment did so only because it was intimated by several representatives of the Great Powers that, unless the Yalta voting formula was accepted, the Great Powers would not ratify the Charter, it is clear that a free vote on the merits of the Australian amendment would have resulted in a substantial majority in its favor.



## THE UNITED NATIONS

*Veto—Statement of Four Sponsoring Powers at San Francisco.* While we were not successful in securing adoption of the Australian amendment, the strong support which it received led the Governments of the United States, United Kingdom, Soviet Union, and China to issue an interpretative statement on 7 June 1945, which, though never accepted by the San Francisco Conference, is of some importance. Although the word “procedural” is not defined, this statement gave specific illustrations of matters accepted by its authors as “procedural” and thus not subject to the veto, including (a) decisions under Section D of Chapter VI of the Dumbarton Oaks draft (see now Articles 28 to 32 inclusive); (b) the placing of an item on the Council’s agenda and subsequent discussion of such item. According to the statement issued, practically all other matters were subject to the veto, and the argument advanced in justification is that all such matters may initiate a “chain of events” which may in the end require the Council to impose sanctions. In addition it was claimed that whenever questions not specifically covered in the statement are raised, the decision as to whether or not a matter is procedural is itself to be subject to the veto. Under this last-mentioned assertion it would be possible that a decision which, by any known test of law or common sense, should be regarded as procedural may be declared a matter of substance by

## OPERATION

the vote of one Permanent Member. The assertion seems manifestly wrong and indeed it sets up an indefensible rule.

At San Francisco we were told repeatedly that our fears that the veto might be used in the future to impede or frustrate the work of the Security Council were based upon unjustified suspicions. In the Four Power statement to which I have just referred there is a declaration that "it is not to be assumed . . . that the permanent members . . . would use their 'veto' power wilfully to obstruct the operation of the Council."

We took these promises at their face value, as is shown by the statement I made at the end of the debate. "I can only hope, Mr. President," I said, "that during the next few years the Great Powers will demonstrate to the world by their actions in the Council that they will not in practice exercise to the full the veto rights which they possess under the Charter. Certain public indications along these lines have already been made, and we all accept these indications in good faith. If it can be agreed that all peaceful means of settling disputes must be adopted and exhausted and that in practice the veto will not be used to block such procedures, I am convinced that we will make a great step forward. This would remove many of the doubts which middle and small countries have felt regarding acceptance of the present text . . . The Great Powers can

## THE UNITED NATIONS

perform a great service to the world if they demonstrate in practice that the powers given to them under the Charter will be used with restraint and in the interests of the United Nations as a whole.

*"Oh it is excellent*

*To have a giant's strength—but it is tyrannous*

*To use it as a giant."*

Have our hopes of those days been justified by the event? No! The power of veto has been abused, and it is important to demonstrate the truth of this statement beyond any shadow of doubt. Let me mention certain instances which illustrate most strikingly the arbitrary way in which this power has been exercised.

*Veto—Case of Syria and Lebanon.* On 4 February 1946, the Governments of Syria and Lebanon asked the Secretary-General of the United Nations to bring before the Security Council the question of the presence of British and French troops in those countries and to request it to recommend total and simultaneous evacuation of such troops. The matter came before the Council on 14 February, and representatives of Syria and Lebanon were invited to participate without vote in the discussion. During the debate it was made clear that both France and the United Kingdom contemplated early withdrawal of their troops and were ready

## OPERATION

to negotiate with the Governments of Syria and Lebanon to that end. The main points of difference or uncertainty were the time and rate of withdrawal and the question whether or not future negotiations between the Governments concerned should be limited strictly to technical questions of withdrawal.

The representative of Lebanon wished the Council to adopt the following resolution: "There should be a simultaneous withdrawal of British and French troops from Lebanon and Syria in accordance with the sovereign rights of these two States. The withdrawal should be unconditional and achieved in such time as required for carrying out the practical arrangements involved. The withdrawal should be supervised by the Council until it has been completed." The majority of the Council preferred, in all the circumstances, a less rigid United States resolution in the following terms: "That the Security Council takes note of the statements made by the four parties and by other members of the Council, expresses its confidence that the foreign troops in Syria and Lebanon will be withdrawn as soon as practicable and that negotiations to that end will be undertaken by the parties without delay, and requests the parties to inform it of the results of the negotiations."

After certain resolutions put forward by the representatives of Mexico and Egypt, and also certain Soviet amendments to the United States resolution had failed

## THE UNITED NATIONS

to secure seven votes and had therefore been declared lost, the United States resolution was put to the vote and obtained the necessary majority. The Soviet Union thereupon vetoed the American resolution, leaving no resolution at all before the Council. Had it not been for the fact that the representatives of the United Kingdom and France declared immediately that their Governments would voluntarily regard themselves as bound by the terms of the American resolution and proceed to act upon it, the work of the Council in connection with the dispute would have been completely frustrated.

It is most important to realize the significance of this first use of the veto in the history of the United Nations. The matter had been brought before the Council not by the Soviet Union or one of its constituent Republics, but by two independent Members of the United Nations. The vital interests of the Soviet Union were certainly not involved. The subject had been brought to the Council under Chapter VI of the Charter (peaceful settlement) and no question of enforcement action was under consideration. All members of the Council sympathized with the request of the Syrian and Lebanese Governments, and the representatives of France and the United Kingdom indicated from the first that they were willing to withdraw the troops so long as appropriate conditions could be agreed upon. The resolu-

## OPERATION

tion which won the support of the majority of the Council gave to Lebanon and Syria a great deal of what they themselves asked; yet the Soviet Union vetoed the resolution, not because it went too far, but because in the opinion of the Soviet representative it did not go far enough!

Surely this was an irresponsible act, completely contrary to the statements made at San Francisco. According to the Four Power Statement of 7 June 1945, the Great Powers insisted upon retention of the veto because anything more than mere discussion of the matter by the Council might initiate a "chain of events" which in the end could or should require the Council to invoke sanctions, the seriousness of which was sufficient to attract the right of veto. I do not agree with the "chain of events" theory, but I admit that arguments can be put forward in its favor. At London, however, in the above-mentioned case, the Soviet representative seems to have looked at the "chain of events" through the wrong end of the telescope. Sanctions did not become *more* likely, but *less* likely under the American resolution. The Soviet Union wanted a *stronger* resolution, and said, in effect, "If you don't accept my stronger resolution, you shan't have any, even though this means that Syria and Lebanon, who brought the matter to the Council, will be left without the protection of any Council resolution whatever!"

## THE UNITED NATIONS

*Veto—Case of Spain.* Let me give one more instance of this irresponsible use of the veto, this time on the subject of Spain. By letters dated 8 and 9 April 1946 the representative of Poland under Articles 34 and 35 of the Charter (pacific settlement) asked the Council to place on its agenda the situation arising from the existence and activities of the Franco regime in Spain. On 17 April, the Polish representative proposed that the Security Council should declare that the existence and activities of the Franco regime had led to international friction and endangered international peace and security and, under Articles 39 and 41 of the Charter, should call upon all Members of the United Nations to sever diplomatic relations with the Franco Government immediately.

A sub-committee of the Council was set up to examine the Spanish situation, and this sub-committee presented its report on 31 May. In its report the sub-committee found that the activities of the Franco regime did not at that time constitute an existing threat to the peace within the meaning of Article 39 of the Charter, and that the Security Council had therefore no jurisdiction to authorize enforcement measures under Article 40. The Report added, however, that the activities of the Franco regime did constitute a potential menace to international peace and security, that there was a situation "likely to endanger the maintenance of interna-

## OPERATION

tional peace and security" within the meaning of Article 34, and that the Council was therefore empowered by Article 36, paragraph 1 to recommend appropriate procedures or methods of adjustment in order to improve this situation. The Sub-committee therefore recommended, *inter alia*, that the Council should transmit its report, together with the evidence gathered, to the General Assembly with the recommendation that, unless the Franco regime was withdrawn and certain conditions of political freedom in Spain fully satisfied, a resolution be passed by the General Assembly recommending Member States to terminate forthwith diplomatic relations with the Franco Government. Subsequently, this recommendation of the Sub-committee was amended by adding a clause under which the Assembly was to be advised "alternatively," to take such other action as it deemed appropriate and effective under the circumstances prevailing at the time.

Nine Members of the Council voted in favor of the Sub-committee's recommendations, amended as I have indicated; one Member of the Council, the Soviet Union, voted against. The Chairman announced that the Sub-committee's recommendations were not carried, because of the veto of the Soviet Union.

I shall not pursue here the further detailed history of the Spanish question which involved abuse of the veto on other occasions in connection with subsequent reso-



## THE UNITED NATIONS

lutions. The point I wish to make is that here the veto was applied, not because the resolutions went too far, but because, in the opinion of the Soviet representative, they did not go far enough! The Soviet representative was not trying to avoid the sanctions which, according to the Great Power argument, might come at the end of a "chain of events." He wanted sanctions at the earliest possible moment, and was prepared to veto a resolution supported by nine members of the Council, directed to the same general end of improving the situation in Spain, because his own particular view was not accepted by the great majority of the Council!

Surely this is an unjustified situation, an arbitrary and a reckless use of power. Was this exercise of the veto based upon the principle of the "unanimity of the Great Powers"? Certainly not, for the other four major Powers were supporting the majority view. Was it based upon the reasons advanced at San Francisco, i.e., to prevent a Permanent Member of the Council being forced to accept a policy of sanctions against his judgment and will? No. I think you will agree that the above two illustrations demonstrate beyond possibility of misunderstanding that the power of veto given to Permanent Members of the Council under the Charter has been seriously abused, bringing the Council into disrepute and damaging the reputation of the United Nations as a whole.

## OPERATION

I feel I must also draw attention to the effects of the operation or threat of the operation of the veto upon the admission of new members to the United Nations, and upon the appointment of a Governor of Trieste.

*Veto—New Members.* Under Article 4 of the Charter, membership in the United Nations is open to all other peace-loving states which accept the obligations of the Charter and which the Organization thinks are able and willing to carry out these obligations. Admission to membership is made by a decision of the Assembly upon the recommendation of the Security Council.

In principle it is desirable that membership of the United Nations should be as universal as possible. The Organization and, in particular, the Assembly has a duty to ensure that all States entitled to membership are admitted promptly and, at the same time, to guard against the admission of applicants who, though prepared to affirm their acceptance of the obligations of the Charter, are in fact unable or have shown that they are unwilling to accept those obligations.

In a matter of such moment it is particularly important that the procedure set out in the Charter should be strictly observed. Australia has consistently sought to secure the adoption of correct procedures in regard to the admission of new members and to resist any attempt on the part of the Security Council to arrogate to itself exclusively functions which under the Charter either

## THE UNITED NATIONS

belong to or are shared by the General Assembly. In my view the following principles are clear and should be adhered to:

1. Each application for membership should be considered separately and should be entirely dissociated from other pending applications.
2. The Security Council is not the organ to "decide" on the application but is purely a recommending body, the General Assembly having the power of decision under Article 4(2) of the Charter.
3. Under Rules 59 and 60 of the Security Council Rules of Procedure, the Secretary-General submits applications for membership to the Security Council direct and the Council decides whether in its judgment the application complies with the provisions of Article 4(1) of the Charter. These rules involve an intrusion upon the functions of the Assembly and should be regarded as legally *ultra vires* or as not binding in any way on the Organization.
4. Where it is evident that in the opinion of the Security Council an applicant is a peace-loving State and able and willing to carry out its obligations under the Charter, the primary object of the procedural requirement of a recommendation under Article 4(2) is in substance satisfied and it

## OPERATION

is the duty of the Security Council to make a "recommendation."

5. In some at least of the cases now pending, Security Council Members have all regarded the applications as satisfying Article 4(2) of the Charter and the formal recommendation has not been made, solely because of the introduction of extraneous and irrelevant considerations, for example, the fact that the particular applicant is not in diplomatic relationship with the Soviet Union.
6. In some cases, for example, Eire, Portugal, and Transjordan, the maximum power (but the minimum duty) of the Assembly is to express its own view that the Charter requirements have been satisfied, that the Security Council has acted on irrelevant considerations quite outside the Charter and that the applications should be reconsidered by the Security Council with a view to an early and favorable recommendation.
7. While a favourable recommendation of the Security Council is a condition precedent to membership, the Security Council should as a general rule accept the Assembly's rulings upon the facts.

If these principles had been adhered to, the current Session of the Assembly would not have found itself in the situation that applications from no less than eleven

## THE UNITED NATIONS

States are outstanding, five of them since 1946. During 1946 the Security Council failed to recommend for admission to membership Albania, Mongolia, Transjordan, Eire, and Portugal, although the applications of the three last mentioned countries had the approval of the majority of the Council, which failed to recommend their admission only because of the exercise of the veto by the Soviet Union.

As regards Transjordan, the reasons given by the Soviet representatives were (1) the absence of diplomatic relations with the Soviet Union, and (2) doubts as to the independence of Transjordan. The first reason is clearly irrelevant and the second was rejected by nine out of eleven members of the Council.

As regards Eire and Portugal, the Soviet representative at first opposed admission on the ground that they had no diplomatic relations with the Soviet Union, and later on the additional ground that they were neutral during World War II and had given assistance to the enemy. He ignored completely the assistance given by Portugal to the Allies and the fact that tens of thousands of Irishmen fought on the side of the United Nations. In any event, the reasons advanced by the Soviet representative were irrelevant. Neutral countries have already been admitted to the United Nations, because the tests laid down for admission under Article 4 of the Charter refer to present, not past, conduct and do not

## OPERATION

include proof that the applicant fought against the Axis powers.

Again, when the applications of Italy, Finland, Bulgaria, Roumania, and Albania were subsequently considered by the Council, the Soviet representative admitted that, once the peace treaties with these countries had come into force, all would be able and willing to carry out the obligations of Member States of the United Nations. Yet he vetoed the applications of Italy and Finland solely because he was unwilling to allow recommendations approving admission of these two countries to be sent to the Assembly unless favourable recommendations were made at the same time in respect of the three remaining countries. As the majority of the Council did not agree that Albania, Bulgaria, and Roumania had passed the tests laid down by Article 4, the applications of all five countries were held in suspense.

The eleventh application, in respect of Austria, is a somewhat special case. Eight members of the Council were of opinion that the application of Austria, a "liberated" country, should be passed on to the Assembly with the recommendation that Austria should be admitted to membership at such time and under such conditions as the Assembly might approve. They did not think it necessary for the Council to await conclusion of a peace treaty with Austria before making this

## THE UNITED NATIONS

recommendation. This proposal, however, was vetoed by the representative of the Soviet Union.

The question of new members will now have to be discussed once again in the General Assembly. The Australian Delegation, on the basis of the principles set out above, will request the Assembly to decide that those States whose applications were approved by a majority of the Security Council do in fact meet the tests laid down in Article 4 of the Charter, and that their applications should be remitted to the Security Council for reconsideration in the light of this determination by the Assembly.\*

*Threat of Veto—Trieste.* My last illustration of the abuse of the veto power in the Security Council concerns Trieste. The peace treaty with Italy has required the Security Council to guarantee the independence and integrity of the Free Territory of Trieste. It also requires the Council to undertake certain functions in connection with the administration of the territory, including the appointment of a Governor. In January last, the Security Council accepted these requirements and incidental responsibilities.

\* On November 10, 1947, the Political and Security Committee of the General Assembly adopted by large majorities five separate Australian resolutions along these lines in respect of Eire, Portugal, Transjordan, Italy, and Finland. It also approved a United States resolution expressing the Assembly's opinion that Austria is a peace-loving State and requesting the Security Council to reconsider Austria's application for membership. On November 18 these resolutions were approved in Plenary Session.

## OPERATION

In so doing, it is doubtful if it acted in strict consonance with the Charter. Under the Charter the Council's power to maintain international peace and security seems to be limited to dealing with specific threats to the peace and breaches of the peace. Should a particular dispute or situation arise, or a breach of the peace occur, involving Trieste, the Council could of course act; whether the Security Council can lawfully anticipate such an eventuality and give prior guarantees of territorial integrity is another question.

Apart from that, it is very difficult to understand how the mere grant of primary responsibility of the Council to maintain international peace and security would enable it to undertake such administrative tasks as the appointment of the Governor of Trieste under the treaty of peace. The reference of this question to the Security Council was a device of the Great Powers to bring this matter within the range of the veto right, or else to get rid of the problem from the Paris Peace Conference in the hope that, as Mr. Micawber said, "something would turn up." Something has in fact turned up. Australian delegates had warned the Paris Conference of the danger that the permanent members of the Security Council might not be able to agree on the selection of a Governor of Trieste. For many months the attempt to secure a Governor has been defeated by the implied threat of one or another permanent member of



## THE UNITED NATIONS

the Council to exercise the veto. The result is that Trieste still has no Governor.

*Successful Security Council Action.* In my criticism of the use of the veto in the Security Council, I do not wish to leave the impression that its proceedings have always been useless and its time completely wasted. The result has proved that our successful fight at San Francisco to abolish the veto upon placing items on the agenda of the Security Council and on subsequent discussion was of great importance. Although positive action by the Council has often been defeated, the fact is that many disputes and situations have at least been brought before the Council, they have been fully discussed, and they have been given full publicity. World public opinion has therefore been kept informed of problems endangering international peace and the reasons why many of these problems have not been solved.

In addition, not all the proceedings of the Council have been fruitless. On the procedural side, too, the Council has made some progress, especially in establishing the practice of appointing investigation committees or commissions to ascertain facts before it reaches decisions where the facts are in dispute. The principle of investigation was advocated by Australia from the very inception of the Council and it has now won fairly general recognition.

## OPERATION

Again, despite the exercise of the veto in regard to the question of withdrawing troops from Syria and Lebanon, the situation was settled satisfactorily, as I have shown, after and to some extent as a result of recourse to the Council. Debate before the Council had some success in the case of Iran—a success which we must hope will not prove merely transitory. The United Kingdom complaint against Albania, based upon an incident when British warships struck mines in the Corfu Channel, with severe loss of life, has been referred to the International Court of Justice. Finally, on the initiative of Australia, the Council after two rapid meetings called upon the Indonesian and Netherlands Governments under Chapter VII of the Charter to stop fighting in Indonesia. This demand was effective, at least to a substantial extent, and a Committee of Mediation has now been appointed to proceed to Indonesia with all dispatch and bring the disputants together.

The importance of these successes of the Council should not be forgotten because they have been overshadowed by a long succession of Council failures.

### *General Assembly.*

*World Forum.* If the work of the Security Council since the establishment of the United Nations has been largely frustrated, leading to a sense of disappointment

## THE UNITED NATIONS

and pessimism, the work of the General Assembly, on the other hand, has been successful. I have pointed out that the Security Council has some achievements to its credit; I must also direct attention later to certain faults which have developed in the Assembly. By and large, however, no one who has participated in the debates which have taken place in the Assembly and in its main Committees will deny that the Assembly has in fact become a vital world forum, where all subjects within the scope of the Charter can be discussed, where all opinions can be ventilated, and where world opinion can be and is being kept fully informed on the international problems of the day. Not only does the Assembly help to shape world opinion: it is itself shaped by world opinion. It is the most democratic organ of the United Nations, and it can and does act as a watchdog. If the other organs are working badly, the Assembly soon takes notice, and does its best to recommend action to deal with the situation.

I shall not attempt to speak of all the matters which have been dealt with at the various Sessions of the Assembly so far held. They include questions of international peace and security and of the operation of the Organs of the United Nations, for example, the exercise of the veto power in the Security Council and the situation in Greece; economic and social matters, like post-UNRRA relief and traffic in narcotic drugs; matters

## OPERATION

relating to non-self-governing territories, particularly new trusteeship agreements; budgetary and administrative problems, including the question of the establishment of a suitable Headquarters for the United Nations; and legal matters, like proposals to make more extensive use of the International Court of Justice.

*Jurisdiction in Field of International Peace and Security.* I refer to the Assembly's work in the sphere of international peace and security.

Although the Security Council is given "primary" responsibility in this field, the Assembly's powers in relation to international peace are also very broad. Under Article 10, it may discuss any question within the scope of the Charter, and, with one important reservation, may make recommendations thereon. It can consider the general principles of co-operation in the maintenance of international peace and security, including disarmament, under Article XI. The Assembly cannot, however, make recommendations regarding a dispute or situation in respect of which the Security Council is actually exercising the functions assigned to the latter under the Charter, unless the Council so requests.

But although the Council has the primary responsibility in the field of international peace and security, including the peaceful settlement of international disputes, the Assembly has in this as in nearly every

## THE UNITED NATIONS

field covered by the Charter what might fairly be called the secondary or ultimate responsibility.

In January 1946, before the first meeting of the Security Council, I called attention to the possibility that the General Assembly might have to correct any tendency of the permanent members of the Security Council to misuse their right of veto on Council Decisions.\* In fact, the abuse of the veto in the Security Council since its establishment has been strongly criticized in the Assembly during the past two Sessions. Twelve months ago the Assembly was not prepared to approve a proposal that a constitutional convention should be called to consider amendments to the Charter to restrict or abolish the veto (any such proposed amendment could, of course, be vetoed by any per-

\* "On the success of the United Nations Organization will depend the political shape of the world for a generation at least, and very possibly the future of modern civilization. It remains to be seen how it will work in the rough and tumble of a rapidly changing world. We cannot tell at this stage whether the veto which has been given to the Great Powers will be used with wisdom and a sense of responsibility or in a way to nullify the purpose of the organization. By the exercise of the veto on pacific settlement, it is possible for any one of the five permanent members to throw the consideration of international disputes out of the Security Council (with its regular and orderly processes subject to the principles of law and justice) into the area of private and secret bargaining along the lines of power politics. Signs are not wanting that some of the major Powers will be tempted to paralyse the Security Council by the use of the right of individual veto. If the veto is abused in the way indicated, then the Assembly of the Organization, with its practically unrestricted right of discussion, initiative and criticism, will, by a determined use of its powers, help to redress any unfair exercise of power and may save the world." See Herbert V. Evatt, "Risks of a Big Power Peace," published in *Foreign Affairs*, January 1946.

## OPERATION

manent member of the Council), but it did approve an Australian resolution requesting the permanent members to make every effort, in consultation with one another and with other members of the Council, to ensure that the exercise of the right of veto did not impede the Council in reaching decisions promptly. This resolution also recommended to the Council the early adoption of practices and procedures ensuring prompt and effective action by the Council in carrying out its functions, and asked the Council to take note of the views expressed in the debate on the veto by the members of the Assembly.

So far the only substantial progress made in carrying out these recommendations is the apparent acceptance in practice by the Permanent Members of the Council of the view that an abstention does not operate as a veto. This is a very useful advance, but frequent misuse of the veto during the past twelve months has led to inclusion of the question on the agenda of the Assembly at its Second Ordinary Session this year.\*

*New Members.* During the Second Part of the First Session of the Assembly many Members expressed dissatisfaction with the way in which the Council had car-

\* At the Plenary Session on 21st November, 1947, the General Assembly adopted a resolution by 38 votes in favour, 6 against and 11 abstentions referring the question of the voting procedure in the Security Council to the Interim Committee of the General Assembly for consideration and report to the Third Annual Session of the Assembly.

## THE UNITED NATIONS

ried out its functions regarding admission of new members. The Assembly insisted on the Council's re-examining the applications for membership which the Council had rejected, and reminded the Council of the tests of admissibility laid down in Article 4. In addition, the Assembly requested the Council to appoint a Committee to confer with a committee of the Assembly with a view to preparing rules governing admission of new members. The Council acceded to this request, and some progress has been made in the direction of drafting appropriate rules, which are likely to be subjected to critical examination by the present Assembly. As already indicated, the Australian Delegation will press for approval by the present Assembly of the principles regarding admission of new members which I have mentioned and for a decision referring back to the Security Council the various applications which stand in suspense.\*

*Greece and Palestine.* Finally, the present Session of the Assembly has debated at great length the situation in Greece, and the Political and Security Committee, in face of violent opposition from Eastern European countries, has passed a resolution recommending estab-

\*New rules governing the admission of new members to the United Nations were adopted without objection by the General Assembly in the Plenary Session of 21st November, 1947. The new rules, while not fully endorsing the policy enunciated by Australia, gave increased powers to the General Assembly in the act of admission.

## OPERATION

lishment of a new United Nations Commission\* empowered, *inter alia*, to observe and report developments in this area. The Assembly also held a special session early in 1947, to consider the position in Palestine, and set up a Committee to investigate the situation. The present session is now debating this Committee's report.

I do not think it is necessary for me to give any further illustrations of the value of the work of the Assembly, in order to establish that it has more than lived up to the expectations of those who endowed it with additional powers and has, in a critical period, sustained the hopes of mankind in the future of the United Nations.

*Faults—Propaganda.* The work of the Assembly however, has not been entirely without blemish. There is a strong tendency, which must be resisted, to make of the Assembly and its committees a mere instrument of propaganda, that is, to use it, not as an institution in which reasoned arguments are adduced for the purpose of securing a majority decision, but as a means of attacking a country or individuals or their views irrespective of the particular decision which may be

\* On October 21, 1947, the General Assembly, by a vote of 40 to 6, with 11 abstentions, adopted this recommendation and appointed a Commission consisting of representatives of the following countries: Australia, Brazil, China, France, Mexico, Netherlands, Pakistan, Poland, Soviet Union, United Kingdom, and United States. The representatives of Poland and the Soviet Union stated, however, that their countries would not participate in the work of the Commission.



## THE UNITED NATIONS

reached. This not only wastes time but tends to lower the tone and prestige of the Assembly. During the present Session we have heard some intemperate invective, seen instances of disregard for the Chairman and his rulings, and watched develop what has been described as the "technique of the studied insult." Such developments, if maintained, will tend to bring the Assembly into disrepute.

*Faults—Procedural Delays.* Again, Assembly Sessions are increasing both in length and intensity, and it is becoming more and more difficult for Heads of delegations to remain throughout the Sessions, owing to pressure of urgent business in their own countries. This extension of the period of the Assembly Sessions is due only in part to the number of items placed on the agenda. There are other more important causes of delay. For instance, there is a tendency for some delegations, whose proposals have been defeated by a large majority in sub-committee, to reargue the matter at length in Committee and even, for the third time, in Plenary Session. Again, the reading of set speeches the main points of which may, before delivery, have been covered by other speeches, leads to repetition and monotonous reassertion. Some delegates feel it incumbent upon themselves to make several speeches on the same subject, merely reiterating what they said earlier instead of raising new points or meeting criti-

## OPERATION

cism. Towards the end of a Session, Committee meetings and Plenary Sessions are held day and night, and in the general pressure to conclude business insufficient consideration is sometimes given to important items which happen to be listed low on the agenda. The Assembly's rules of procedure are now under revision and some improvement may be expected in the future. No rules of procedure can remedy the situation, however, unless delegates themselves decide to exercise restraint and to conform to the spirit as well as the letter of the Rules.

*Faults—Blocs.* Again, even as early as the San Francisco Conference there were signs of a dangerous tendency towards the establishment of "blocs," the whole of whose votes may be thrown in one direction or another irrespective of the individual opinions of members of such blocs. In this connection it must always be remembered that the General Assembly is not a world parliament in the ordinary sense, with a party in office charged with responsibility for government. It has no legislative or executive functions. There is no government which can be dismissed from office and returned to power only if it satisfies the electors regarding its conduct of affairs.

While, therefore, countries with common interests may legitimately take common action to secure their objectives, the cracking of a "whip" over all members

## THE UNITED NATIONS

of a bloc to ensure they all vote together irrespective of their individual views on the merits of the case is quite unjustified and dangerous, particularly if bargains are made with other blocs under which support is given on a *quid pro quo* basis.

Under the Charter, important decisions of the Assembly require a two-thirds majority. There are now fifty-seven members of the United Nations, and if all are present and vote on any issue, thirty-eight votes are needed to constitute a two-thirds majority. There are twenty Latin-American countries. If the representatives of these twenty nations vote together on any issue, they can prevent any resolution being adopted by the Assembly. If two blocs combine, it is even more difficult to secure adoption of a resolution approved by the majority of Members.

I do not wish to exaggerate the significance of this question of bloc voting. Indeed, I must pay tribute to Members of the Assembly, including Latin-American countries, for considering and voting in so many instances only on the merits of the matter in issue. Nevertheless, I feel bound to mention this tendency to bloc-voting, which, if not firmly resisted, could result in the same kind of frustration in the Assembly which I have described and criticized in the Security Council.

## OPERATION

*Atomic Energy and Armaments.* No account of the work of the United Nations in the field of international peace and security would be complete without reference to the work of the Atomic Energy Commission, the Commission on Conventional Armaments, and the Military Staff Committee of the Security Council.

The Charter contains clauses dealing both with the organization of armed forces to be placed at the disposal of the United Nations, and with the regulation of national armaments.

With regard to the regulation of armaments, the Security Council and the General Assembly have under the Charter concurrent jurisdiction. The role envisaged for the two bodies is, however, somewhat different. Under Article 11, the Assembly may consider the *general principles* of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments. Under Article 26, the Security Council has responsibility for *formulating plans* to be submitted to the members of the United Nations for the establishment of a system for the regulation of armaments. The jurisdiction of the Assembly is thus permissive, and confined to general principles; whereas the jurisdiction of the Council is mandatory and directed towards for-

## THE UNITED NATIONS

mulation of specific plans. Most of the delegates who fashioned the Charter at San Francisco were of course unaware at the time of the development of atomic weapons.

It was the General Assembly which took the initiative in the field of atomic energy during the first part of its first Session held in London. After discussion in Washington during October and November 1945 between President Truman, Mr. Attlee, and Mr. McKenzie King, the Assembly on 24 January 1946 adopted without amendment a resolution establishing a Commission on Atomic Energy. This Commission was to consist of representatives of all members of the Security Council, together with Canada, and was instructed to make specific proposals for (a) extending between all nations the exchange of basic scientific information for peaceful ends; (b) control of atomic energy to the extent necessary to ensure its use only for peaceful purposes; (c) the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction; and (d) effective safeguards by way of inspection and other means to protect complying States against the hazards of violations and evasions. The Commission was instructed to submit reports to the Security Council, which should transmit them to the Assembly and to Members of the United Nations in appropriate cases. The Security Council was em-

## OPERATION

powered to issue directions to the Commission in matters affecting security.

Subsequently, on 14 December 1946, the Assembly passed unanimously a resolution regarding the general regulation and reduction of armaments. Under the terms of this resolution the Assembly (a) recommended that the Security Council give prompt consideration to formulating practical measures for regulation and reduction of armaments and armed forces; (b) urged the Atomic Energy Commission to fulfill expeditiously its terms of reference, and recommended that the Security Council expedite consideration of a draft convention creating an international system of control and inspection and prohibiting use of atomic weapons, with necessary safeguards to prevent violations and evasions; and (c) recommended that the Security Council accelerate the placing at its disposal of armed forces under Article 43 of the Charter, and that Members of the United Nations undertake progressive withdrawal of armed forces stationed in ex-enemy countries. The resolution also recommended reduction of national armed forces.

In no other field of activity of the United Nations has there been revealed more clearly the basic differences among the Great Powers than in the field of armaments, and in no other field have the results been more disappointing.

## THE UNITED NATIONS

*Special Military Agreements.* I refer first to the present position regarding the "special agreements" under Article 43 of the Charter. To date no such agreements have been negotiated, although several cases which might have involved enforcement action have already been brought before the Security Council under Chapter VII of the Charter. The plain fact is that the representatives of the Great Powers, who alone constitute the Military Staff Committee, have failed so far to agree even upon the principles upon which such agreements must be based. Indeed, it was not until 1 May 1947 that the Committee's report on Article 43 was presented to the Security Council. Although 25 of the 41 Articles in the report are agreed to unanimously, serious differences of opinion remain, particularly the difference of opinion regarding Article 11 of the report, which deals with the comparability of the size of the contributions of armed forces to be made by the Permanent Members of the Security Council. These differences are still unresolved.

## ATOMIC ENERGY COMMISSION

With regard to the Atomic Energy Commission, of which I had the honor to be the first President, basic differences developed between the Soviet Union on the one hand, and the United States, supported by the

## OPERATION

overwhelming majority of the Commission, on the other hand. Some progress has been made, but no progress commensurate with the urgency and importance of the problem.

The United States Government put forward proposals in the Commission—the “Baruch” plan—which constituted one of the most disinterested offers ever made by the government of a great nation. Here was a country, sole possessor of all the secrets of a revolutionary new weapon, with stocks and production facilities, offering, subject to adequate safeguards, to renounce the use of the weapon and to turn over its stocks, its factories, and its knowledge to an international authority. But the Soviet Union insisted on immediate prohibition of atomic weapons and destruction of stocks, and branded the American proposals as an attempt at monopoly. From the outset Australia has tried to reconcile the two fundamentally different approaches of the United States and the Soviet Union, stressing the need for a general plan which would include in the same convention the prohibition of atomic weapons desired by the Soviet Union and the control and inspection system which the United States regarded as the first essential.

However, since the original proposals for various control measures were put forward, a change has taken place in the Soviet attitude toward the question of in-



## THE UNITED NATIONS

spection. Whereas originally the Soviet Union was not convinced of the need for inspection by an international agency, proposals subsequently submitted by the Soviet Government provided that an "International Control Commission" have an "inspectional apparatus" which would "carry out inspection of facilities for mining of atomic materials and atomic energy." Again, on the vexed question of the right of veto of the Great Powers, the Soviet Union has declared that "the control organs and the organs of inspection should carry out their control and inspection functions, acting on the basis of their own rules, which should provide for the adoption of decisions, in appropriate cases, by a majority vote."

Such a statement, however, does not adequately clarify the Soviet final position in relation to possible enforcement powers of the Control Agency. In this connection the Soviet Union has maintained the view that the question of enforcement action in relation to breaches of a convention for the control of atomic energy is a matter for the Security Council, where, of course, each permanent Member has the right of veto.

Valuable work has been done on certain scientific and technical aspects of the problem of atomic energy. For instance, after thorough consideration, a Committee has reported that it does not find "any basis in the available scientific facts for supposing that effective

## OPERATION

control is not technologically feasible." Again, useful reports have been made on safeguards required to ensure that the use of Atomic Energy is limited to peaceful purposes only. But the fundamental differences still remain. Should the destruction of stocks precede the establishment of water-tight means of international control, or vice versa? Will the veto be available to a Great Power convicted of breach of its obligations under Atomic Energy Conventions, or not? It is difficult to escape the conclusion that rapid progress can be made on this subject only when the present international suspicion and misunderstanding are dissipated.

## COMMISSION ON CONVENTIONAL ARMAMENTS

The work of the Commission on Conventional Armaments has followed the same general pattern. The United States plan, supported by the majority of the Commission, was unacceptable to the Soviet Union. In this case, however, the Security Council did at least approve the draft plan of work submitted by the Commission, the Soviet representative abstaining from voting. Subsequently, however, the Soviet representative has refused in the Commission to take the plan approved by the Security Council as a basis for discussion.

In short, the initiative of the General Assembly as regards disarmament, including control of atomic

## THE UNITED NATIONS

weapons, and as regards the establishment of armed forces under Article 43 of the Charter has so far produced results which are quite inadequate. It is not a failure of machinery, but of mutual confidence and trust. Only if the United Nations succeeds in re-establishing confidence and in developing the necessary degree of determination to maintain peace based on justice can it hope to promote adequate disarmament and divert into peaceful channels national resources devoted now to armaments, thus making possible improved living standards.

### ECONOMIC AND SOCIAL COUNCIL

In my opinion the Economic and Social Council of the United Nations has not yet played its proper part in the solution of the world's grave economic and social problems. At San Francisco it was made into a principal organ of the United Nations; it was given wide powers; members of the United Nations, eighteen of which are members of the Council, solemnly pledged themselves to promote the purposes set out in Article 55 of the Charter. In spite of preliminary organizational difficulties, I think the Council should have been able to contribute far more than it has to overcome the fundamental economic disequilibrium which exists in Europe and Asia today. What is its record?

## OPERATION

### *Organizational Work*

At the end of 1945 the Preparatory Commission of the United Nations had already drawn up an outline plan for the Council's operations, the Commissions which were to serve it, and the kind of secretariat required. During 1946 the following Commissions were established by the Council: Economic and Employment, Social, Human Rights, Status of Women, Narcotic Drugs, Fiscal, Statistical, Population, and Transport and Communications. Certain Sub-commissions were also established.

The Economic and Social Council first met in April 1946. In the eighteen months which have passed since then, the Council has been concerned largely with organizing Commissions and its own Committees; consultation with non-government organizations; co-operation under agreements with specialized intergovernmental agencies; and the taking over of a miscellany of League of Nations activities in the economic and social field.

### *Substantive Problems*

In addition to this preliminary organizational work, the Council has taken up some substantive problems. Thus in the field of Health the Council initiated studies by a special committee whose recommendations were

## THE UNITED NATIONS

referred to a world conference which established a new international agency separate from the United Nations, but designed to be linked with it. The Council initiated similar action in the field of Trade and Employment, and a world conference met at Havana in November 1947 to consider, on the basis of the detailed and important work carried out at Geneva by a Drafting Committee of eighteen, the establishment of an International Trade Organization.

Unfortunately, political and ideological divisions have in the past played far too large a part in the Council's deliberations. Efforts must be made to change this situation and to promote a higher level of representation on the Council, so as to bring together persons substantially responsible for the determination of economic problems in their own country.

## TRUSTEESHIP

One of the promising aspects of the work of the United Nations is its record in regard to non-self-governing territories. In this field there has been good progress in carrying out the purposes of the Charter, while in the Trusteeship Council there is some evidence of a growth of a spirit of tolerance and understanding between administering and non-administering countries, the spread of which to the Committees of the As-

## OPERATION

sembly and to Plenary Sessions of the Assembly would be an achievement of great importance.

### *Trusteeship Agreements*

At the second part of the first session of the Assembly, twelve months ago, trusteeship agreements were submitted and approved in respect of the following territories: New Guinea; Ruanda-Urundi; Cameroons (both British and French mandates); Western Samoa; Tanganyika and Togoland (both British and French mandates). At the present Session of the Assembly Australia, on behalf of Australia, New Zealand, and the United Kingdom, has also submitted for approval an agreement regarding Nauru.\* In addition, an agreement was submitted to the Security Council in April 1947 by the United States in respect of the former Japanese mandates in the Pacific, viz., the Marshall, Caroline, and Mariana Islands. The last mentioned islands were designated as "Strategic Areas," and under Article 83 of the Charter had to be submitted for approval to the Council, not the Assembly.

The position now is, therefore, that with the exception of Palestine and German South-West Africa, provision has been or is being made for United Nations

NE-WAS SALAT JUNG BAHADUR

\* On November 1, 1947, the General Assembly in Plenary Session approved the terms of this proposed agreement by 46 votes to 6, with one abstention.

## THE UNITED NATIONS

supervision of all the mandated territories created after World War I which have not already been created into independent States. As regards Palestine, the future of this unhappy territory has been brought directly before the General Assembly by the United Kingdom, the mandatory power.\* The Union of South-West Africa, which originally declared its intention of incorporating South-West Africa as an integral part of the Union, has refrained from doing so in view of strong opposition to the proposal in the General Assembly, many of whose members feel that the Union is under a moral obligation, if not a legal obligation, to submit to the Assembly a trusteeship agreement in respect of this territory.

Approval of the trusteeship agreements at the last session of the Assembly made it possible to establish the Trusteeship Council, which held its first session from 26 March to 28 April 1947. However, the Soviet Union, which under paragraph I (b) of Article 86 of the Charter automatically became a member of the Council when established, has not so far co-operated in the work of the Council, claiming that the trusteeship agreements approved by the Assembly have not been properly concluded because the "states directly concerned" have not, in the opinion of the Soviet Government, been consulted as required by Article 79.

\* On 29th November, 1947, the General Assembly, by a vote of 33 in favour, 10 against and 10 abstentions, adopted a plan for the partition of Palestine into Arab and Jewish States with an economic union.

## OPERATION

### *Work of Trusteeship Council*

Yet the Trusteeship Council has already done important work. For instance, it received a petition from Western Samoa requesting that this territory be granted self-government, with New Zealand acting as protector and advisor. The Council decided to dispatch a committee to visit the territory to formulate recommendations. This Committee has now visited Western Samoa and presented its report to the Council. The Trusteeship Council has also considered a number of petitions from German and Italian residents of Tanganyika against their deportation from that territory, and has expressed general approval of British policy in this connection.

### *Information Regarding Non-Self-Governing Territories*

Useful work has also been done, at the direction of the General Assembly, in regard to non-self-governing territories other than mandated territories. Resolutions have been passed designed to make members of the United Nations conscious of their obligations under Chapter XI of the Charter; and to ensure that the best use is made of information supplied by members regarding conditions in their non-self-governing territories. An *ad hoc* committee, composed in equal num-



## THE UNITED NATIONS

bers of Members transmitting information under Article 73 (e) and of other Members elected by the Assembly on the basis of equitable geographical distribution, was established to consider the information supplied and to make recommendations regarding procedures to be followed in the future in dealing with such information. This committee of eight members met from 28 August to 12 September 1947, and submitted for the Assembly's consideration five draft resolutions dealing with such matters as a standard form for guidance of members supplying information, supplemental documents, supply of political information, collaboration with specialist agencies, and creation of a sub-committee to examine information, submit reports, and make substantive recommendations. These proposals are now under consideration by the General Assembly.

The success which has so far attended the work of the United Nations under Chapters XI, XII, and XIII of the Charter is a partial answer to those pessimists who, obsessed with the continuing failure of the Security Council to solve the problems brought before that body, have come to think that the United Nations as a whole is valueless.

## OPERATION

### CONCLUSION

I have now reviewed some important aspects of the working of the United Nations since its establishment. I have referred to the disappointments and frustrations of the Security Council; the outstanding achievements of the General Assembly; the promise of the Trusteeship Council; shortcomings which have appeared in the functioning of the Economic and Social Council and the Secretariat. Throughout I have tried to avoid wishful thinking—to state the facts accurately and judge them fairly. I have sought to give a balanced picture of the United Nations at work, forgetting press headlines and the fact that good work well done is not news. What is the general conclusion to be drawn from the facts I have presented?

In my opinion the United Nations Organization as a whole has done a very great deal of useful work since its birth less than two years ago. It shows no signs of lassitude or inanition. Though an infant, it has been asked to carry almost from birth the burdens of an adult. In all the circumstances, I believe it has done reasonably well.

However, I do not wish to minimize in any way the grave difficulties which now beset the United Nations. Some basic change in practice is necessary, particularly

## THE UNITED NATIONS

in regard to the Security Council. In my final lecture I shall put forward suggestions designed to improve the working of the organs of the United Nations. For the present I am bound to pay tribute to the work which the United Nations has already done, and to the great body of men and women, inside and outside the United Nations, who by their unselfish and strenuous labors during the past two years have contributed to its success and have sustained in peace the hopes of those who died in war for a better world based upon justice for all.

THE FUTURE  
*of*  
THE UNITED NATIONS



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## III

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DURING the past year there has developed a feeling of increasing pessimism about the future of the United Nations. This has arisen particularly from the futility of much of the work of the Security Council. Is this pessimism justified? What changes are necessary in the working practices of the Organization if it is to continue to live and if it is to be made to work more efficiently?

Before we can answer these questions we must be quite clear in our own minds as to what the United Nations should, and should not, be expected to do.

### IMPORTANCE OF PEACE SETTLEMENTS

It was never intended that the United Nations should be charged with the responsibility for negotiating and concluding peace settlements with Germany, Austria, Japan, Italy, or the late German satellites. It must be remembered that the United Nations consists of fifty-

## THE UNITED NATIONS

seven Member States. Some of them made no contribution whatever to the defeat of the aggressors in World War II—indeed, some were neutrals in that struggle. Ex-enemy countries are applicants for admission to membership and one (Siam) has already been admitted. It would be inappropriate (save possibly as a last resort) for the United Nations to lay down the conditions of peace. The Charter was designed to create an international organization which could maintain peace in the future; not an organization to finish off the war, or to make the peace settlements.

### *European Settlements*

So far, the only settlements made have been negotiated by the Great Powers. I say that in spite of the fact that a Conference was held in Paris in 1946 at which peace treaties with Italy and the German satellites were discussed by all those countries which had participated to some extent in the war in Europe. That Conference was powerless to do more than recommend to the Members of the Council of Foreign Ministers amendments to the terms already agreed upon by the latter: amendments which the Council was at liberty to accept or reject as it deemed fit. Australia, stressing that its war effort against Hitler and Mussolini, like the war efforts of Canada, New Zealand, and South Africa, was "total" in character and sustained from 1939 to 1945, protested

## FUTURE

against this unjust and undemocratic procedure. It also protested against the lack of provision, so far at least, for adequate participation by middle and smaller countries in the negotiations for a German settlement.

### *Exclusive Claims by Major Powers*

The alleged justification for the Great Powers' exclusive claim in the peacemaking was that these Powers, on some of whom rested the major responsibility for waging war and maintaining peace, could reach agreement quickly on draft settlements, whereas a peace conference, constituted of all the active belligerents, could not settle the complicated details necessarily included in peace treaties. Events have shown the fallacy of this argument. Meetings of the Council of Foreign Ministers and of their deputies have resulted in deadlock after deadlock, and agreements regarding the peace settlements in respect of Germany and Austria are not yet in sight. Indeed, there is a powerful body of opinion in the United States which now favors the almost desperate course of negotiating treaties of peace in Europe without Soviet co-operation, should the next meeting of the Council of Foreign Ministers in London prove to be another failure. The truth is that Great Powers are inevitably preoccupied with questions of prestige and spheres of influence, whereas lesser Powers,



## THE UNITED NATIONS

whose interest in lasting peace is just as great if not greater, are more detached in their outlook on many issues and are in a better position to make an unbiased judgment on the justice of any proposed settlement. Moreover, military power is not necessarily accompanied by proportionate wisdom or experience. Experience in the General Assembly of the United Nations shows that frequently it is the middle and smaller Powers who lead the way out of an impasse caused by differences of opinion between two or more of the larger Powers.

### *Settlement with Japan*

Fortunately, the peace settlement with Japan poses far less difficulties than those which have delayed the European settlements. The Far Eastern Commission established at Washington to lay down the general principles of Allied occupation policy in Japan consists of the eleven countries which took an active part in the war in the Pacific. Although four Powers have a veto on decisions, the Commission has had a good deal of success in reaching agreement on basic policy. Consequently, the way has already been cleared, to a great extent, for the calling of a peace conference in relation to Japan.

While there is some truth in the argument that a relatively small body can facilitate preliminary drafting

## FUTURE

work, experience has shown that one of two courses should be adopted in connection with the peace settlements. Either all active belligerents should participate on a footing of equality with the Great Powers in all preliminary drafting work, or else the preliminary drafting of Great Powers should be submitted to a Peace Conference attended by all active belligerents, with all drafts open to full and free discussion, amendment, and final decision at the Conference. This latter procedure was successfully adopted at San Francisco when the United Nations Conference took the Dumbarton Oaks draft of an international organization to maintain peace merely as a valuable basis for discussion.

The United States has already proposed a preliminary Japanese Peace Conference, to be attended by all Powers represented on the Far Eastern Commission, and has suggested that decisions should require only a two-thirds majority. This would eliminate any Great Power veto. The Soviet Union, however, insists that the whole question be considered first by representatives of the United States, the United Kingdom, the Soviet Union, and China, and the American proposal has not yet been put into practical effect. In the interests of the United Nations, as well as world peace, action should be expedited.

I must emphasize again that the United Nations Or-

## THE UNITED NATIONS

ganization was never intended to frame the peace settlements arising out of World War II. Yet its own work has been and is being made much more difficult through the failure to conclude the major peace settlements *outside* the United Nations. For instance, the fears and suspicions of countries in Eastern Europe, regarding the role which other countries wish Germany to play, affect not only the work of the Council of Foreign Ministers but also the work of the Security Council and the General Assembly. Therefore, the conclusion of peace settlements with Germany, Austria, and Japan is of the first importance to the *United Nations* Organization. They should be undertaken at once, and pressed through to an early finish.

### *Italy and Korea*

Two matters connected with peace settlements have actually been placed on the agenda of the present session of the Assembly, that is, revision of the peace treaty with Italy, and the situation in Korea. Although the Assembly undoubtedly has the *power* to consider all matters which it deems likely to impair the general welfare or friendly relations among nations, it may be a mistake for the Assembly to exercise this power without the utmost care and circumspection. As regards Italy, there is much force in the view of the Soviet Union that it is inappropriate to suggest revision of a

## FUTURE

treaty which has only just come into force, particularly when the proposed revision is sponsored by countries who cannot be regarded as having made any substantial contribution to the defeat of Italy.\*

The case for considering Korea is far stronger, as a deadlock on this subject has developed outside the United Nations between the Soviet Union and the United States. Even in this case, I think that if the deadlock cannot be overcome through renewed negotiations between the United States and the Soviet Union, it should primarily at least be handled by those countries which participated actively in the war against Japan. Otherwise we will run a risk of having piecemeal settlements in the Far East, made without proper consideration of the Far Eastern settlement as a whole, and handled by countries, some of whom have demonstrated neither in war nor in peace that they have interests in the Far East comparable to those of the active belligerents who poured out blood and treasure to obtain victory. In such matters action by the United Nations should be a matter of last resort.†

\* The revision of the Italian Peace Treaty was withdrawn from the Agenda of the Assembly before any discussion had taken place.

† After full discussion in the Political and Security Committee, the General Assembly adopted a resolution by 43 in favour, none against and 6 abstentions, establishing a Commission consisting of representatives of Australia, Canada, China, El Salvador, France, India, Philippines, Syria, Ukrainian S.S.R., which would assist the Korean people in the attainment of their freedom and independence and in the establishment of a National Korean Government.

## THE UNITED NATIONS

### *General Assembly not a National or World Parliament*

In judging the work of the United Nations Organization it should always be stressed that the General Assembly has no legislative or executive powers. It is not a world government, run in accordance with a party system, with one party in power responsible to a world electorate having a common basic approach to the international problems under consideration. It is a world forum where diverse views are publicly expressed. Its strength lies in open discussion, in persuasion, in the molding of public opinion. At the most, the Assembly can only make recommendations to Member Governments or to other organs of the United Nations. The moral force of such recommendations is of course very great, but the Assembly has no means of enforcing direct compliance with its requests.

A body composed of fifty-seven Member Governments, representing almost every race, colour, creed, civilization, and language, and differing in culture, habits, and degree of political, economic, and social development, cannot be expected to operate with the speed or efficiency of National Assemblies with a long tradition of Parliamentary Government. Speeches in the General Assembly, especially in Plenary Session, tend to be formal and even unrelated to one another—as if the speakers lived in separate compartments.

## FUTURE

Usually, the rough and tumble of debate which one finds in a national Parliament is missing. Quick and free intercommunication of ideas is made even more complicated by the need for translation, and even the best of interpreters sometimes fails to convey fine shades of meaning, or makes actual mistakes leading to misunderstanding.

Yet the General Assembly has already acquired an atmosphere of its own, and the long and difficult process of building up a common, corporate spirit is well under way. If anyone doubts whether the United Nations Organization has a future, he should remember that the mere existence of this complex international machinery is itself a fact of great importance. It is much harder to start to move a heavy object than to keep it moving; indeed, once started, it may in some circumstances be difficult to stop. The creation of the United Nations is thus not only a splendid achievement in itself; there is also some guarantee of continuance. For a machine, once created and started, tends to keep on working. It acquires a certain inertia or even stability. Positive action is needed to stop or destroy it.

During the past two years, in spite of difficulties inherent in an international body of this kind, the United Nations Organization has shown every sign of life. People may criticize it, but they are not indifferent

## THE UNITED NATIONS

to it. If they are disappointed in the concrete results so far achieved, it is only because they feel so strongly on the subject and expect so much. In spite of past and present difficulties, the Organization's expectation of life, to use an insurance phrase, is high.

I turn now to the particular organs of the United Nations in order to consider in what ways their working can and should be improved in the future.

### SECURITY COUNCIL

#### *Veto*

Irresponsible use of the veto in the Security Council has done great harm to the prestige of the United Nations and has forced members to look to the existing powers of the Assembly rather than the Council for solution of problems of international peace and security for which the Security Council is primarily responsible. In my opinion the veto should come to be exercised on enforcement action only. Two of the permanent members of the Council, the United States and China, have now publicly adhered to the view that the veto upon pacific settlement of disputes should not be exercised in practice, though they have not proposed amending the Charter for this purpose.

Amendment of the Charter is quite out of the question so long as any Permanent Member objects, and the Soviet Union has stated in unmistakable terms that

## FUTURE

it does object. Short of amendment, it should be possible for the Permanent Members of the Council to refrain in practice from using the veto in connection with pacific settlement of disputes. There is an important precedent for such action. As mentioned earlier the Four Sponsoring Powers at San Francisco agreed in their statement of 7 June 1945 not to use the veto to prevent an item being placed on the agenda or being discussed. The words of the Yalta voting formula were not modified textually, but their practical effect was modified through this interpretative statement.

During discussion in Committee of an Australian resolution on the veto at the last ordinary meeting of the Assembly twelve months ago, proceedings were temporarily suspended to permit the Great Powers to consult on this subject. A meeting had been called by the United Kingdom Secretary of State for Foreign Affairs to try to secure agreement on a Great Power "code of conduct." The following proposals were made:

- (a) Permanent members should consult together before exercising the veto, in order to determine how much of any proposal was acceptable to all;
- (b) The veto should never be used by a minority except in matters of vital importance;
- (c) The veto should not be used merely because one Permanent Member thinks a decision of the Council does not go far enough;



## THE UNITED NATIONS

- (d) Before matters likely to involve the veto are brought before the Council, arbitration should be attempted; if that fails a *rapporteur* should try to bring opposing parties together before a vote is taken;
- (e) Agreement should be reached on a definition of what is a "dispute" and a "situation" within the meaning of the Charter;
- (f) The Permanent Members should agree that mere absence or abstention does not involve exercise of the veto.

All the Permanent Members except the Soviet Union agreed at least to take these rules as the basis of a code of conduct. However, the Soviet Foreign Minister rejected them completely. The Assembly Committee was then informed that no agreement had been reached between the Great Powers, and it accepted an Australian resolution recommending consultation among all members of the Security Council with a view to ensuring that exercise of the right to veto does not impede the Council in reaching decisions promptly. As mentioned earlier, little progress has been made since last year in this direction.

While the Charter remains unamended and unamendable because of the opposition of any one Permanent Member, and so long as the Permanent Members are unable to agree upon a "rule of conduct" or

## FUTURE

“interpretative statement” which would limit their right of veto in practice, other members of the United Nations must look elsewhere for the best available means of ensuring that the United Nations takes what action it can in the field of international peace and security. This is just what is happening in the present Session of the Assembly. The Assembly has decided to set up its own Commission in Greece, while the United States has introduced a resolution to establish an interim Assembly Committee which will meet between ordinary Sessions of the General Assembly. I shall discuss this latter important proposal when considering the future activities of the Assembly.\*

### *Special Agreements to Provide Armed Forces*

I have referred to the failure of the Military Staff Committee, set up under Article 47 of the Charter to advise and assist the Security Council, to agree even on the *principles* covering the “special agreements” required by Article 43, that is, agreements between Members of the United Nations and the Security Council under which Members bind themselves to provide armed forces, assistance, and facilities necessary to maintain international peace and security. So long as these agreements have not been concluded, the United Nations as such will have no forces at its disposal

\*See page 120.

## THE UNITED NATIONS

which the Security Council may use in the last resort to give effect to its decisions, and will be dependent solely upon any action which the five Permanent Members, under Article 106, can agree to take to this end. Failure to conclude such agreements is an open encouragement to countries who may wish to evade their obligations under the Charter. Moreover, delay may well make it more difficult to secure the necessary co-operation of Members in playing their due part in preventing or suppressing aggression. The Security Council, therefore, should complete its consideration of the Military Staff Committee's report as a matter of urgency, return it if necessary to the Committee for immediate revision, and commence forthwith the negotiations with Members of the United Nations of the special agreements which, at San Francisco, were regarded as one of the most important safeguards of world peace.

### *Atomic Energy and Armaments*

The gulf between the Soviet Union and most of the other Members of the Atomic Energy Commission and the Conventional Armaments Commission is still wide, and it may be impossible to bridge it until relationships between the countries of Eastern Europe on the one hand and the other Members of the United Nations on the other—especially between the Soviet Union and the

## FUTURE

United States—improve substantially. Suspicion and tension have increased in the past year and can be diminished only by a determined effort by both sides. In my view this effort should be made first and foremost in the direction of reaching agreed peace settlements for Europe and the Far East. If treaties with Germany, Austria, and Japan can be concluded quickly, it will be easier to consider substantial withdrawal of troops to their home territories, and such withdrawal might facilitate agreement regarding the vital problem of use of atomic energy for peaceful purposes only.

## GENERAL ASSEMBLY

### *Work in Field of International Peace and Security*

There has been no more interesting development in the history of the United Nations than the tendency of the General Assembly, predicted by me in January 1946,\* to take increasing responsibility in the field of international peace and security. While the Security Council is given “primary responsibility” in this field (Article 24), the Assembly has unlimited power of discussion (Article 10). Under Article 14 it can *recommend* measures for peaceful adjustment of any situation, regardless of origin, deemed likely to impair the

\*See footnote to page 74 of Chapter II.

## THE UNITED NATIONS

general welfare or friendly relations among nations. The only limitation on this latter power is that the Assembly cannot make recommendations, unless the Security Council so requests, while the Council is "exercising in respect of any dispute or situation the functions assigned to it in the . . . Charter."

During the twenty-one months that the United Nations has been in existence, the Assembly has shown a natural hesitation in assuming its full powers in this field. This period has been one of experiment, particularly in regard to the operations of the Security Council. Gradually, however, abuse of the veto privilege in the Security Council, resulting in frustration of its work, has led almost inevitably to the exercise by the Assembly of its own reserved powers in regard to international peace and security.

Thus twelve months ago, when the veto had been applied in the Council to several resolution on the situation in Spain caused by the existence of the Franco Government, the matter was eventually removed from the Council's agenda, raised in the Assembly, discussed there, and a resolution passed recommending Members to withdraw certain diplomatic representatives from Madrid. Again, as I have pointed out earlier, the same Session of the Assembly discussed the operation of the veto in the Council and made recommendations on the subject.

## FUTURE

This movement toward the exercise of greater powers by the Assembly gained considerable momentum when proposed action in the Security Council to deal with the situation on the northern borders of Greece was blocked by the Soviet Union's use of the veto. The Greek question was thereupon removed from the Council's agenda, and brought before the Assembly at its present Session. On this occasion, after strenuous debate, the Assembly decided to establish its own Committee to watch the situation in Greece. The action taken by the General Assembly in connection with the Greek question is very important, because it is an excellent illustration of the principle that, in the event of Security Council inaction, the Assembly can itself exercise reserve powers in the field of international peace and security. Of course, the Security Council alone can direct the application of sanctions under Chapter VII of the Charter.

### *"Little Assembly"*

Another instance of this trend towards the Assembly is seen in the proposal put forward to establish a so-called "Little Assembly," that is, a Committee set up by the Assembly to meet between ordinary Sessions of the Assembly and to carry out certain prescribed functions. Introducing the proposal to the Political Committee, the United States representative declared that

## THE UNITED NATIONS

it was necessary to restore the world's confidence in the efficacy of international processes which had been undermined by the events of the past two years. The root trouble of the United Nations, he said, had been the failure of the procedures of the Assembly as well as of the Council to keep pace with their problems. The United States Government therefore proposed establishment of an Interim Working Committee, which could investigate and report on new agenda items in the field of international peace and security, check on the execution of past Assembly recommendations in this field, initiate studies to promote international co-operation in the political field, and initiate work to assist the Assembly in recommendations regarding the general principles of co-operation in the maintenance of international peace. The Committee could advise the Secretary-General to call a Special Session of the Assembly in an urgent and important case, and advise the next Assembly whether in its opinion the Committee should be established on a permanent basis.

The American representative added that the Interim Committee should respect fully the primary responsibility of the Security Council for the maintenance of international peace and security, and therefore should not study or deal with any dispute or situation listed on the current agenda of the Council. Again, it should not encroach on the work of any *ad hoc* committee or

## FUTURE

commissions, such as the Atomic Energy Commission. Important decisions should be made on a two-thirds vote of the members of the committee.

This American proposal was fiercely attacked by the Soviet representative who declared that its true purpose was to create a new organ to weaken, circumvent, and act as a substitute for the Security Council. He asserted that it was a flagrant violation of the Charter, and claimed that it would lead to the destruction of the United Nations.

It is clear, in my opinion, that the General Assembly has power to create a subsidiary body to assist it in the exercise of its functions under the Charter, and the proposed Interim Committee is, in truth, a subsidiary organ.

The principle behind the American proposal is sound. Machinery provided by the Charter must be used and improved to meet new needs and changed circumstances. Moreover, we must recognize that the United Nations is confronted by the situation that the Security Council has to a large extent failed to discharge its responsibilities, mainly through the irresponsible use of the veto. This situation should not be allowed to continue. One remedy, of course, would be to modify the right of veto in relation to conciliation by amending the Charter, but as this is impossible so long as one permanent member of the Council disagrees,



## THE UNITED NATIONS

other courses permissible under the Charter have to be considered. Thanks only to the foresight of those who fought at San Francisco to give the Assembly a wider jurisdiction in all fields, including the field on international peace and security, is the Assembly enabled to exercise conciliatory jurisdiction over international disputes and situations.

The existing provisions in the Charter will continue to safeguard the primary responsibility of the Security Council in its own field. As already indicated, the first safeguard is provided in paragraph 1 of Article 12 which is in the following terms: "While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests." The introductory clause of this paragraph has been interpreted in some quarters as meaning "while a dispute or situation is still on the agenda of the Council." This interpretation is not in accordance with the ordinary meaning of the words and is not supported by the debates which took place on this subject at San Francisco. In fact, the Council should be actually exercising its functions of conciliation or settlement of disputes by enforcement measures, before the Assembly is blocked from making recommendations. Obviously it is not so doing if, after exercise

## FUTURE

of the right of veto, the Council has been reduced to inaction, even though technically the matter may still be listed on the Council's agenda.

The second safeguard is contained in paragraph 2 of Article 11, which concludes by stating that any question relating to the maintenance of international peace and security discussed by the Assembly upon which "action" is necessary shall be referred to the Council, either before or after discussion. Since the "Little Assembly" proposal has been put forward, it has been suggested in some quarters that the word "action" in this paragraph means virtually anything more than mere discussion. It would follow from this view that if, for example, the Assembly discusses a question under Article 11 and decides that investigation is necessary, the Assembly cannot undertake the investigation itself but must refer the matter to the Council. Thus the "Little Assembly" proposal might involve in practice a circular procedure—from Council to Assembly and from Assembly to Council.

But this interpretation of the word "action" seems quite unacceptable. Paragraph 2 of Article 11 follows a logical sequence—the Assembly discusses, makes a recommendation and then if enforcement action, i.e., application of diplomatic, economic, or military sanction, is deemed necessary, it must refer the matter to the Council. This interpretation is confirmed by

## THE UNITED NATIONS

reference to Chapter VII of the Charter which is entitled "*Action with respect to threats to the peace, breaches of the peace and acts of aggression.*" Accordingly, the Assembly is not precluded from itself taking action which does not come within the category of "enforcement action."

So much for the safeguards of the jurisdiction of the Security Council provided by the Charter. They are important to correct any tendency for the "Little Assembly," if established, to encroach upon the Council's jurisdiction.

Yet if a standing Committee of the Assembly is to be established, it is essential to define carefully the functions which should be assigned to it. At my suggestion the matter has now been remitted to a Sub-committee for careful consideration and the Assembly has not yet taken its final decision in the matter.\* A number of points require examination. For instance, although the Soviet representative seems to be concerned solely with the effect of the proposal upon the Security Council, my chief fear is lest, in establishing such a Committee, the jurisdiction or prestige of the General Assembly itself is weakened. The Committee of the Assembly may be so

\*On November 13, 1947, the General Assembly in Plenary Session adopted by a vote of 41 to 6, with 6 abstentions, the recommendation of the Political and Security Committee that an Interim Committee of the Assembly be established. See Annex A for the full text of the resolution.

## FUTURE

weak that it will tend to reduce the status of the Assembly itself.

What I wish to emphasize is the fact that frustration of the work of the Security Council has inevitably led Members of the United Nations to search for other means of dealing with urgent problems in the field of international peace and security. The proposal to establish an Interim Committee of the Assembly is proof that the United Nations is not static, but is a living and developing organism. Frustration of successful activity in one particular direction, though important, need not be fatal.

### *Non-co-operation in Carrying Out United Nations Decisions*

It is necessary to draw particular attention to a growing tendency of some Member States to refuse to co-operate in carrying out majority decisions to which they are opposed. This tendency, if unchecked, could have grave consequences.

On 23 April 1946, when the Security Council was considering the Iranian question, the Soviet representative informed the Council that he could not take part in any further discussion of this item. The reason given for this action was that the Council no longer had jurisdiction in the matter, because the Iranian Government at that time indicated that it wished to withdraw

## THE UNITED NATIONS

its appeal to the Council. The Soviet representative did not attend any further Council meetings held to discuss the Iranian question, although nine members of the Council took the view that the Council still had jurisdiction in this matter.

At the Second Part of the First Session of the Assembly, the Trusteeship Council was established, and the Soviet Union under Articles 86 and 23 of the Charter automatically became a member of the Council. The Soviet Government, however, has not taken any part in the work of the Council, on the ground that the trusteeship agreements approved by the Assembly had not been "agreed upon by the States directly concerned," as required by Article 79 of the Charter. No other members of the Council have adopted this interpretation of the Charter.

Again, when the Security Council set up a "Subsidiary Group" to continue the work of the Balkans Investigation Commission which it had established, the Government of Yugoslavia (and also the non-member Governments of Bulgaria and Albania) discontinued all practical co-operation with the work of the Group and refused facilities for carrying out certain inquiries within their respective territories.

When at the present Session of the General Assembly a decision was taken to establish a new Balkans Commission, the Governments of Eastern Europe who are

## FUTURE

members of the United Nations (and the Governments of Bulgaria and Albania who had been invited by the Assembly to speak on the subject under discussion) stated that they would have nothing to do with the work of the Commission. Although the Soviet Union is one of the countries elected to the Commission, it has said that it will not participate. The Soviet Union, Yugoslavia, Poland, and Byelorussia even informed the Committee which deals with budgetary matters that they would not contribute to the expenses of the Commission.\*

Such an attitude of non-co-operation would lead to a very serious situation. If each member of the United Nations is permitted to choose to co-operate or not to co-operate in decisions as he thinks fit, the very stability of the Organization may be endangered. Under Article 2 of the Charter, all Member States have given their solemn pledge to "fulfill in good faith the obligations

\*At subsequent meetings of the Second Session of the Assembly the Soviet Union, Ukraine, Byelorussia, Poland, Yugoslavia, and Czechoslovakia have refused to co-operate in the work of the Korean Commission established by the Assembly, or of the Interim Committee of the Assembly. In the case of Korea, the reason advanced was that the Assembly had failed to invite elected representatives of Korea to discuss the situation in that country, before the Assembly took its decision. In the second case it was claimed that establishment of a "Little Assembly" was a "flagrant violation of the Charter." The Soviet representative refused, however, to accept the challenge of the United Kingdom representative to submit to the International Court of Justice the question whether the Assembly's action in setting up an Interim Committee was duly taken in accordance with the provisions of the Charter.

## THE UNITED NATIONS

assumed by them" under the Charter. They have undertaken to "give the United Nations every assistance in every action it takes in accordance with the present Charter." It is their duty to accept all lawful decisions of the majority and to co-operate in putting them into effect.

### ECONOMIC AND SOCIAL COUNCIL

I turn now to consideration of the future of the United Nations in the economic and social fields. The Economic and Social Council has now completed much organizational work in establishing various commissions and sub-commissions, consulting with specialized agencies and taking over a number of League of Nations activities. Although it has also taken up some substantive problems such as Health, Refugees, and Relief for Children, it has so far\* failed to make any general review of the current world economic situation or to play its due part in dealing with the world's economic crises.

Yet even on the organizational side a number of problems still require consideration. For instance, there is a movement towards establishment of regional commissions in Europe, in Asia, in Latin America, and in the Middle East based upon the view that countries in particular regions have homogeneous problems the

\*October 24, 1947.

## FUTURE

solution of which can be assisted by regional action. This is a natural tendency which should be encouraged, but special care is needed in establishing such Commissions to ensure that their functions do not overlap with those of other commissions, such as the Economic and Employment Commission, or with the functions of the specialized agencies.

Again, the relationships between the Economic and Social Council itself and the specialized agencies require close consideration. Under Article 57 of the Charter the various specialized agencies, such as the International Labor Organization and the United Nations Educational, Scientific and Cultural Organization, are to be brought into relationship with the United Nations in accordance with special agreements concluded between these agencies and the Economic and Social Council and approved by the Assembly. The Council is given power (Article 63) to co-ordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and the Members of the United Nations.

The carrying out of this function of the Economic and Social Council is a heavy and complex responsibility. The cost in time, money, and energy of international organization is now so great that the world cannot afford unnecessary agencies, or overlapping as



## THE UNITED NATIONS

between necessary agencies; there must be control and supervision. At the same time, some of the specialized agencies, like the International Labor Organization, have long and creditable records of their own, and are likely to resent too close or too inexperienced control from the centre.

Co-ordination and co-operation are thus tasks requiring careful judgment and discretion. Agreements have been approved already between the Council and certain agencies, namely, the International Labor Organization, the United Nations Educational, Scientific and Cultural Organization, the Food and Agriculture Organization of the United Nations, and the International Civil Aviation Organization. These agreements provide for the closest co-operation, without giving the Council the right to control the policies of the agencies in question, since each agency is an independent body recognized as competent in its particular field. The future may show that supplementary agreements may be required, and the basic agreements have wisely left room for these.

The Assembly by a resolution of 14 December 1946 stressed the need for co-ordination of the policies and activities of the specialized agencies and of the organs of the United Nations, and instructed the Economic and Social Council to report progress in this connection. It is the duty of the Council to carry out strictly

## FUTURE

the terms of this resolution, for nothing could do more harm to the work of organizing the world for peace than growth of a public feeling that there is multiplicity of organization—more harness than horse.

Again, it is necessary for the United Nations to be kept fully, accurately, and speedily informed of current world economic trends. This implies that the members of the United Nations Secretariat must be competent to carry out their important responsibilities. It implies also that the Assembly and the Economic and Social Council should lay clearly upon the shoulders of the Secretariat the responsibility for the particular work it expects the Secretariat to perform. There is urgent need for an overall review of the current world economic situation which will assist the Council and its Commissions in dealing with current economic crises.

It must be remembered that the Economic and Social Council has no executive power to enforce its decisions. It can discuss and recommend, organize co-operative action within its field of jurisdiction, prepare draft conventions for submission to the General Assembly, and examine the extent to which members of the United Nations have carried out such specific obligations as the pledge to promote full employment and higher standards of living.

International action in the economic sphere is not, however, limited to action within the United Nations

## THE UNITED NATIONS

Organization. There is nothing in the Charter to prevent a Member of the United Nations from extending economic aid to other countries without obtaining the approval of the Organization. Article 51 of the Charter specifically recognizes the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. It is, I suggest, not too strained an analogy to apply this principle in the economic, as well as in the military field. By all means let us do our utmost to improve the capacity of the economic machinery of the United Nations to deal with the most urgent and important economic problems: but in the meanwhile we will do well to help one another by any effective means available.

The long-term opportunities for the United Nations in the economic field are almost limitless. Never before has the world been so well equipped with detailed statistical and other information, nor with the means for analysis and discussion of desirable courses of international co-operation in this field. To achieve the necessary results, some adaptation of domestic policies to agreed international policy will be required. It is said that this will involve a degree of interference with national sovereignty. But all Members of the United

## FUTURE

Nations, in ratifying the Charter, have necessarily accepted some restrictions on their pre-existing sovereignty, for example, by pledging themselves to promote *inter alia*, full employment and increased standards of living in their own territories.

## TRUSTEESHIP

I have already referred to the work of the United Nations in relation to non-self-governing territories and have expressed the opinion that good work has been done in this field, for instance, by the Trusteeship Council.

However, there are reservations to make in this connection. No one who has listened to the debates in the Trusteeship Committee of the present Assembly can fail to have been struck by the fact that one or two countries administering non-self-governing territories are constantly being put in the position of defendants, while a few non-administering countries tend to assume the role of public prosecutors.

It is ironic, to say the least, that a country which has faithfully carried out its international obligations in respect of mandated territories, or has a good record of achievement in promoting the political, economic, and social development of other non-self-governing territories, should be subjected to constant and carping

## THE UNITED NATIONS

criticism by representatives of governments who, in their own metropolitan territories, do not or cannot claim that their own nationals enjoy equivalent rights or privileges. I do not defend but condemn illiberal or reactionary colonial policies and I always stress the need for constant improvements in conditions in non-self-governing territories. At San Francisco, Australia pioneered many of the important provisions of the Charter on this subject. However, it is necessary to insist upon sympathy and tolerance in debates on these matters and on securing progress by way of persuasion and recommendation, rather than by somewhat reckless condemnation.

As I say, some of the Powers who do most of the criticizing are not themselves immune from strong criticism. There is a tendency, when discussing in the Assembly matters affecting non-self-governing territories, for some countries to ignore the clear provisions of the Charter. Last year one delegate went so far as to plead with the Assembly not to yield to the "paralysis of reason." It is not surprising that some Assembly resolutions are being considered, and have sometimes been passed, which are of doubtful legal validity.

These tendencies must be pointed out both as a matter of simple justice to countries administering non-self-governing areas, and in the long-term interests of the United Nations as a whole. Reactionary views

## FUTURE

sometimes evidenced in the Assembly are, of course, equally dangerous. Fortunately, the Trusteeship Council has made a good start towards developing a spirit of mutual respect and good will between administering and non-administering countries.

## INTERNATIONAL COURT OF JUSTICE

All members of the United Nations are, under Article 93 of the Charter, *ipso facto* parties to the Statute of the International Court of Justice. Article 96 provides that the General Assembly or the Security Council may seek advisory opinions from the Court on any legal question, and empowers other organs of the United Nations, with the approval of the Assembly, to request advisory opinions on legal questions arising within the scope of their activities.

Since the establishment of the United Nations many legal questions have arisen and different interpretations have been given of particular Articles in the Charter. Yet to date not a single advisory opinion has been sought from the Court, which, indeed, has had only one case of any kind brought before it.

It is clearly necessary to make every effort to ensure fullest possible use of the functions assigned to the Court. To this end Australia has introduced an important resolution into the present Assembly, seeking

## THE UNITED NATIONS

a recommendation that each organ of the United Nations and each specialized agency should regularly review the difficult and important questions of law within the competence of the International Court of Justice which have arisen in the course of their activities and which involve questions of principle which it is desirable to have settled. Such questions, which would include matters of law relating to the interpretation of the Charter of the United Nations or the constitutions of the specialized agencies, should be referred to the International Court for advisory opinion. Our proposal is designed to provide machinery for general consideration of those questions which can with advantage be referred to the Court, without complicating the handling of particular cases. Legal questions so selected should be of general importance; they should be of such a character that they are likely to arise from time to time; they should not relate merely to special and particular problems and issues which are under current political examination.

Adoption of this Australian proposal\* would facilitate growth of a regular practice whereby the Court would play an important role in the progressive development of international law and in matters of legal interpretation. Day by day issues and problems would

\*On November 14, 1947, the General Assembly in Plenary Session adopted this proposal by a vote of 46 to 6, with 2 abstentions.

## FUTURE

thereby become less complicated, a valuable contribution would be made to our understanding of the Charter and the constitutions of the specialized agencies, and the prestige of the Court itself would be enhanced.

## SECRETARY-GENERAL

In the League of Nations the sole duty of the Secretary-General was to act as the administrative officer of the organization. He was not expected to take any initiative in matters of substance, although at times he did take some private initiative.

The Secretary-General of the United Nations has a more responsible position. He is not merely the administrative officer of the Organization. Under Article 99 of the Charter, he is specifically empowered to bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

This important express power suggests that under the Charter the Secretary-General is intended to be far more than an administrative officer. In my opinion he should be encouraged to play a bold part in all the work of the Organization and to take a large measure of initiative.

Rules of procedure have been adopted in the various organs of the United Nations giving the Secretary-



## THE UNITED NATIONS

General or his deputies the authority to make oral or written statements upon questions under consideration. Nevertheless the Secretary-General and his staff have not as yet fully availed themselves of this valuable opportunity of guiding the work of the United Nations. This may be due to some extent to the particular circumstances of an intervention in the Security Council which the Secretary-General made in the Iranian case, when the view he expressed did not coincide with the opinion of the majority of the members of the Council. I think, however, it would be unfortunate if this particular experience discouraged the Secretary-General from taking a bold part in the work of the organization on appropriate occasions. I think all members of the Organization should encourage him to take more initiative, and even when they disagree with any particular views he expresses or action he takes, they should make it clear that judicious intervention by him or his deputies is both proper and welcome.

### SUMMING UP

To sum up, I would make the following positive proposals for facilitating and improving the work of the United Nations Organization in the future.

1. The earliest practicable conclusion of peace settlements in respect of Germany, Japan, and Austria.

## FUTURE

2. Limitation of items placed on the agenda of the General Assembly to matters not involving the peace settlements arising out of World War II, save in urgent and exceptional cases where a deadlock must be solved, or as a matter of last resort after more appropriate procedures have failed. It is essential to avoid any reasonable ground for suspicion that any Great Power is trying to use the United Nations merely as an instrument to forward its own national interests and policies.
3. Exercise of restraint by all members in order to avoid mere propaganda statements, and the recognition of a duty to co-operate in the carrying out of decisions. This is essential to maintain the prestige of the United Nations as a deliberative body and to make its decisions effective.
4. An endeavour by the Assembly to persuade the Permanent Members of the Security Council that they should not exercise the veto in regard to pacific settlement of disputes or in regard to such matters as the admission of new members.
5. An early decision by the Security Council, directing the Military Staff Committee to reach agreement on the principles upon which are to be based the special agreements under Article 43 to provide armed forces, assistance, and facilities to

## THE UNITED NATIONS

the United Nations. Subsequently, urgent negotiation of such agreements.

6. Establishment of machinery to enable the Assembly to handle important international disputes which the Security Council has failed to settle.
7. Action in the Economic and Social Council to ensure that:
  - (a) the Economic Secretariat of the United Nations provides the Council and its Commissions with a basis of established facts and economic analyses of current situations on which actual recommendations can be based;
  - (b) there is a periodic, overall review of the work of the Commissions and sub-commissions of the Council;
  - (c) the Council lays primary stress on the solution of substantive rather than machinery or procedural problems;
  - (d) the calibre of the Secretariat in the economic and social fields is improved;
  - (e) Council representatives of high standing are appointed who are substantially responsible in their own countries for the determination of economic policy and who can therefore speak with some authority.

## FUTURE

8. Greater use of the International Court of Justice. Under the Australian resolution submitted to the Assembly,\* organs of the United Nations and specialized agencies would refer to the Court for advisory opinions important questions of law which have arisen in the course of their activities and involve questions of general principle which it is desirable to have settled, including questions of law relating to the interpretation of the Charter or of the Constitutions of the specialized agencies.
9. Recognition by Members of the United Nations of the important part which can be played by the Secretary-General, and support for the view that he and his deputies should take the initiative on appropriate occasions.

## CONCLUSION

No analysis of the United Nations Charter and its operation in practice and no positive suggestions can lead to any substantial improvement in the work of the organization so long as there is suspicion and lack of good will and understanding among its members, particularly several Major Powers. Even if the Member States were able to reach agreement on important matters such as the limitation of armaments, world

\*Now adopted by the General Assembly. See footnote on page 132 *supra*.

## THE UNITED NATIONS

stability will remain precarious until there is a change of heart. For the enemy we must attack with all our strength is not so much the newer and more terrible methods of waging war, as war itself. Agreement upon a Marquis of Queensberry set of Rules for conducting fighting will not, in itself, prevent disaster.

I have already expressed the view that the one practical approach to reduction of international tension and the removal of suspicion is the conclusion of early peace settlements with Germany, Japan, and Austria. But that is not enough. A deliberate effort must be made by all countries to restrain reckless propaganda attacks upon other countries and individuals, attacks which cannot fail to increase international tension and increase the danger of war. This attack on war propaganda should not be by way of censorship; it may be instead a process of publication of facts, the correction of mis-statements, and fair and accurate reporting of all international affairs. A self-imposed rein must be put upon the use of invective. Views and opinions held to be wrong can be stoutly and properly challenged, without imputation of bad faith to the other side. In the words of John Milton's *Areopagitica*, a great defence of a fundamental freedom: "Let Truth and Falsehood grapple: who ever knew Truth put to the worse in a free and open encounter?" The encounter must be "free"—it must be "open." No nation is always in the

## FUTURE

wrong. No nation is always in the right. It is necessary to foster recognition of the differing views and arguments of leaders of all nations.

At the present Assembly the Soviet Delegation has introduced a resolution condemning the "criminal propaganda for a new war, carried on by reactionary circles in a number of countries, and, in particular, in the United States of America, Turkey and Greece." Australia has introduced a resolution deleting all reference to these three countries or any other particular country and condemning propaganda favoring aggression wherever it appears. Under this resolution, governments are asked to take appropriate steps to counter such propaganda, not by resorting to any form of censorship but by encouraging fair and accurate reporting of official and other statements affecting international relations and by the dissemination of all information designed to give expression to the desire of all peoples to avoid a third world war.\*

It is important to realize that the proposals contained in this resolution are positive, not negative. The use of censorship as a means of controlling war propaganda is rejected. The freedom of expression guaranteed by the Charter is asserted and maintained. Propaganda is to

\*On November 3, 1947, the General Assembly unanimously adopted a resolution, jointly proposed by Australia, Canada and France, along these lines condemning war-mongering. The full text of this resolution is printed as Annex B.

## THE UNITED NATIONS

be met by fair and accurate reporting of the facts. Criticism which points out the falsity of propaganda or which makes clear its half or quarter truths is no way discouraged. What is condemned is the use, not of reasoned argument, however strongly expressed, but of re-iterated appeals to prejudice rather than facts, to falsehood rather than truth, to passion rather than reason.

There are not wanting, people who, in their natural resentment at unfair attacks made upon their country, advocate the use of like weapons in reply. They would answer unfair blow by unfair blow, mistakenly thinking that patience necessarily implies weakness and that anger is inevitably a sign of strength. They forget that, under the provisions of the Charter, it is the duty of Members of the United Nations to endeavour to remove causes of international friction; not to increase them by answering one unjustified threat to the peace with another.

Some positive action along the lines of the Australian resolution is, in my view, urgently necessary and I believe likely to be supported by a large majority of Member States, most of whom have become increasingly aware, in recent months, of the heightened international tension between the Soviet Union and the United States. It is easy to breed suspicion, to cause dissension, to bring about situations from which war

## FUTURE

may arise. It is difficult to engender confidence, understanding, and mutual respect. And time is short.

If the Assembly, as I hope, approves a resolution on war-mongering in a form resembling that outlined above, it will make all peoples aware of the grave dangers inherent in the adoption of a policy of unrestricted, competitive war propaganda. Endorsement of such a resolution, if followed up by a determined effort to conclude at an early date and by democratic methods just peace settlements, could constitute a real turning-point in postwar international relations. Moreover, it should at once help to ease tension and reduce bitterness in the United Nations Assembly now proceeding, and give real cause for hope that co-operation between all Powers, great and small, will be achieved on a basis not of mere tolerance, but of real comradeship.



## ANNEX A

RESOLUTION approved at the Second Session of the United Nations General Assembly regarding the Establishment of an Interim Committee of the Assembly.

THE GENERAL ASSEMBLY,

*Conscious* of the responsibility specifically conferred upon it by the Charter in relation to matters concerning the maintenance of international peace and security (Articles 11 and 35), the promotion of international co-operation in the political field (Article 13), and the peaceful adjustment of any situations likely to impair the general welfare or friendly relations among nations (Article 14);

*Deeming It Necessary* for the effective performance of these duties to establish an interim committee to consider and report with its conclusions on such matters to the General Assembly during the period between the closing of the present session and the opening of the next regular session of the General Assembly;

*Recognizing* fully the primary responsibility of the Security Council for prompt and effective action for the maintenance of international peace and security (Article 24):

## FUTURE

### *Resolves that*

1. There shall be established, for the period between the closing of the present session and the opening of the next regular session of the General Assembly, an Interim Committee on which each Member of the General Assembly shall have the right to appoint one representative;
2. The Interim Committee, as a subsidiary organ of the General Assembly established in accordance with Article 22 of the Charter, shall assist the General Assembly in the performance of its functions by discharging the following duties:
  - (a) To consider and report, with its conclusions, to the General Assembly on such matters as have been referred to it by the General Assembly;
  - (b) To consider and report with its conclusions to the General Assembly on any dispute or any situation which, in virtue of Articles 11 (paragraph 2), 14, or 35 of the Charter, has been proposed for inclusion in the agenda of the General Assembly by any Member of the United Nations or brought before the General Assembly by the Security Council, provided the Committee previously determines the matter to be both important and requiring pre-

## THE UNITED NATIONS

liminary study. Such determination shall be made by a majority of two-thirds of the members present and voting, unless the matter is one referred by the Security Council under Article 11 (paragraph 2), in which case a simple majority will suffice;

- (c) To consider, as it deems useful and advisable, and report with its conclusions to the General Assembly on methods to be adopted to give effect to that part of Article 11 (paragraph 1), which deals with the general principles of co-operation in the maintenance of international peace and security, and to that part of Article 13 (paragraph 1a) which deals with the promotion of international co-operation in the political field;
- (d) To consider, in connection with any matter under discussion by the Interim Committee, whether occasion may require the summoning of a special session of the General Assembly and, if it deems that such session is required, so to advise the Secretary-General in order that he may obtain the view of the Members of the United Nations thereon;
- (e) To conduct investigations and appoint commissions of enquiry within the scope of its duties, as it may deem useful and necessary,

## FUTURE

provided that decisions to conduct such investigations or enquiries shall be made by a two-thirds majority of the members present and voting. An investigation or enquiry elsewhere than at the headquarters of the United Nations shall not be conducted without the consent of the State or States in whose territory it is to take place;

- (f) To report to the next regular session of the General Assembly on the advisability of establishing a permanent committee of the General Assembly to perform the duties of the Interim Committee as stated above with any changes considered desirable in the light of experience.
- 3. In discharging its duties the Interim Committee shall at all times take into account the responsibilities of the Security Council under the Charter for the maintenance of international peace and security as well as the duties assigned by the Charter or by the General Assembly or by the Security Council to other Councils or to any committee or commission. The Interim Committee shall not consider any matter of which the Security Council is seized.
- 4. Subject to paragraphs 2 (b) and 2 (e) above, the rules of procedure of the General Assembly shall, so far as they are applicable, govern the proceed-

## THE UNITED NATIONS

ings of the Interim Committee and such subcommittees and commissions as it may set up. The Interim Committee shall, however, have authority to adopt such additional rules as it may deem necessary provided that they are not inconsistent with any of the rules of procedure of the General Assembly. The Interim Committee shall be convened by the Secretary-General not later than six weeks following the close of the second regular session of the General Assembly. It shall meet as and when it deems necessary for the conduct of its business.

5. The Secretary-General shall provide the necessary facilities and assign appropriate staff as required for the work of the Interim Committee, its subcommittees and commissions.

## ANNEX B

*Joint Resolution against war propaganda submitted to the Second Session of the General Assembly by Australia, Canada, and France and approved by the Assembly unanimously.*

WHEREAS in the Charter of the United Nations the peoples express their determination to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to practise tolerance and live together in peace with one another as good neighbours; and

WHEREAS the Charter also calls for the promotion of universal respect for, and observance of, fundamental freedoms which include freedom of expression, all Members having pledged themselves in Article 56 to take joint and separate action for such observance of fundamental freedoms.

### THE GENERAL ASSEMBLY,

1. *Condemns* all forms of propaganda, in whatsoever country conducted, which is either designed or likely to provoke or encourage any threat to the peace, breach of the peace, or act of aggression.

## THE UNITED NATIONS

2. *Requests* the Government of each Member to take appropriate steps within its constitutional limits:
  - (a) to promote, by all means of publicity and propaganda available to them, friendly relations among nations based upon the Purposes and Principles of the Charter;
  - (b) to encourage the dissemination of all information designed to give expression to the undoubted desire of all peoples for peace.
3. *Directs* that this resolution be communicated to the forthcoming Conference on Freedom of Information.







